

State of Iowa  
1966

# IOWA DEPARTMENTAL RULES 1966

Containing

The permanent rules and regulations of general application promulgated  
by the state departments to March 1, 1966.



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PUBLISHED BY THE  
STATE OF IOWA  
UNDER AUTHORITY OF CHAPTER 14, CODE 1966

*To Phythis:  
my report  
of A. ciart  
Wayne A. Faupel*

## PREFACE

This volume is published in compliance with section 14.3(7) 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 and regulations promulgated by the state departments have been included. The Act specifies "permanent" rules of "general application." (See page following.) Where rules have been omitted by the editor there is a notation indicating where such rules may be obtained.

This volume includes the rules and regulations of the departments filed with the secretary of state prior to March 1, 1966.

The Editor.



## **PUBLICATION OF DEPARTMENTAL RULES**

Section 14.3 of the Code, subsection 7, 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. 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 Code editor may provide cumulative, semiannual supplements for insertion in the latest published volume and a place shall be provided in the binding of said volume for insertion of such supplements.”

Supplements to the Iowa Departmental Rules are published, as authorized by statute, usually on January 1 and July 1 of each year.

No charge is generally made for these supplements, however, anyone desiring a copy should first contact the Superintendent of Printing, Statehouse, Des Moines, Iowa.

## TABLE OF CONTENTS

	Page
Accountancy Board .....	1
Adjutant General .....	6
Agriculture Department .....	7
Architectural Examiners .....	52
Auditor of State .....	54
Banking Department .....	55
Blind, Commission for .....	65
Commerce Commission .....	73
Comptroller, State .....	125
Conservation Commission .....	126
Dairy Industry Commission .....	145
Employment Security Commission .....	146
Engineering Examiners .....	162
Fair Board, State .....	163
Health Department .....	177
Higher Education Facilities Commission .....	288
Highway Commission .....	290
Industrial Commissioner .....	308
Insurance Department .....	326
Iowa Development Commission .....	336
Justice Department .....	336
Labor Commissioner .....	337
Library, Law .....	344
Library, Traveling .....	344
Liquor Control Commission .....	345
Medical Library .....	358
Merit System Council .....	358
Mine Inspectors .....	379
Personnel Department .....	380
Pharmacy Department .....	383
Plumbing Code .....	211
Public Instruction Department .....	386
Public Safety Department .....	519
Real Estate Commission .....	624
Reciprocity Board .....	625
Regents, Board of .....	627
Social Welfare Department .....	640
Tax Commission .....	665
Watchmakers .....	768

# IOWA

## DEPARTMENTAL RULES

### 1966

#### ACCOUNTANCY BOARD

##### I. THE BOARD

[Sections 1 to 7, inclusive, relate to the duties of the board.]

##### II. ANNUAL REGISTRATION

**8. Fees.** Registration fees, payable annually in December, shall be:

For each certified public accountant or public accountant in practice, ten dollars.

For each certified public accountant or public accountant not in practice, five dollars.

For each firm, assumed, associate or corporate name, five dollars.

For applicants who qualify and are registered after July 1 of any year, the fee for the remainder of that year shall be one-half of the annual fee.

**9. Individuals.** Any person desiring to engage in the public practice of accountancy in the state of Iowa must secure from the Board of Accountancy a certificate to practice before entering upon such practice. The certificate shall be good through December 31 of the year in which issued. Thereafter, in December of each year, each practitioner must secure an authorization to practice during the immediately ensuing year.

Any person holding a valid and unrevoked certificate as a certified public accountant granted under the laws of this state will be entitled to registration with this board to engage in the practice of public accountancy as a "Certified Public Accountant"; and may use the abbreviation, "C. P. A." in connection with his name. Any person holding a valid and unrevoked certificate as a public accountant granted under the laws of this state will be entitled to registration with this board to engage in the practice of public accountancy as a "Public Accountant" under that designation and no other.

A certificate to practice shall be issued only to the holder of a certificate as certified public accountant (or as public accountant), issued by this state, and only after the applicant has filed with the board a declaration of his intention to practice, together with the annual fees required by law, and has filed with the

auditor of state his bond in the sum of five thousand dollars.

Failure to secure a certificate to practice in any year shall not disqualify a person previously registered from securing a certificate to practice in a future year, provided such person has paid to the board of accountancy the sum of five dollars for each full year during the time he has not been in practice.

**10. Partnerships.** Any partnership practicing accountancy in this state may use the designation of and practice as certified public accountants under a firm name, only if it fulfills the following requirements:

1. All partners holding a valid and unrevoked certificate as a certified public accountant, or an equivalent thereof, issued under the laws of any state or territory of the United States or the District of Columbia, or one issued by the governmental authority of a foreign nation; and

2. All partners resident in each office of the firm, wherever located, which undertakes to practice accountancy in Iowa are the holders of certificates as certified public accountants granted under the laws of this state and have received certificates to practice from the Iowa board of accountancy; and

3. All partners, wherever located, having supervisory or other direct responsibility for audits and reports issued by such offices described in paragraph 2 above are the holders of certificates as certified public accountants granted under the laws of this state and have certificates to practice from the Iowa board of accountancy.

Any partnership may use the designation of and practice as public accountants under a firm name in this state, only if all the members of such partnership are duly registered as public accountants or certified public accountants, and have received certificates to practice as such from the Iowa board of accountancy. [Amended December 15, 1958]

**11. Firm, associate, assumed or corporate names.** All practitioners, who, in connection

with the practice of accountancy, make use of a firm, associate, assumed or corporate name, shall register the same at the time of making application for registration, but certificates to practice shall be issued only in the names of individuals, and only firms whose members are all certified public accountants shall use such designation in connection with the use of such firm names, provided, however, that hereafter no corporation shall be allowed to practice public accounting in this state unless incorporated therefor prior to April 13, 1929.

Partnership, firm, assumed or associate names shall be registered only when all members thereof are holders of certificates as certified public accountants, or as public accountants, issued by the Iowa board of accountancy.

No firm, assumed, associate or corporate name shall include the name of any individual not interested in the ownership of the firm, except that in the case of the purchase of a going practice from a predecessor firm the purchaser shall have the right to continue the use of the predecessor firm name as provided in the contract of purchase; and no firm, associate, assumed, or corporate name shall be registered under the designation "Certified Public Accountants" unless all of the individuals whose names are included in such firm, associate, assumed or corporate name are or have been the holders of certificates as certified public accountants; provided, however, that nothing in this section shall be construed to prohibit the use of any firm, associate, assumed, or corporate name established prior to April 6, 1929.

### III. EXAMINATIONS

**12. Qualifications of applicants.** In order to be eligible to take the examination for a certificate as a certified public accountant, an applicant must:

- a. Be over twenty-one years of age, and
- b. Be a resident of the state of Iowa, and
- c. Be a citizen of the United States, or have duly declared his or her intention of becoming such citizen, and
- d. Be of good moral character, and
- e. Be a graduate of a high school having at least a four-year course of study, or, in the opinion of the board, have an equivalent education, or pass a preliminary examination to be given by the board at least thirty days before the regular examination, and
- f. Be a graduate of a college or university commerce course with a major in accounting, and have had at least one year's experience as a staff accountant in the employ of a practitioner entitled to registration by the Iowa board of accountancy.

The applicant's claim to college or university credits must be confirmed by an official transcript of credits issued by the institution in question. To establish a major in accounting, the applicant's transcript(s) must reveal a minimum of eighteen semester hours (or its equivalent in quarter hours) in accounting courses in advance of the elementary year course. In recognizing college and uni-

versity credits, the Iowa board of accountancy adheres to the standards on which recognition of such credits would be granted by the institutions of higher learning under the jurisdiction of the Iowa state board of education.\* Credit obtained for work done in business colleges, in correspondence schools, in "extension universities", or in comparable organizations (all of which are characteristically operated for profit) is not "college or university credit".

In lieu of the college or university course and the one year's experience set forth above, the applicant may substitute three years' continuous practical experience as a public accountant or as a staff accountant, or three years' continuous employment as a field examiner under a revenue agent in charge of the income tax bureau of the treasury department of the United States, or as a field examiner in the auditor's, banking, or insurance departments of the state of Iowa.

\*[State board of regents]

**13. Time and place for filing applications.** Each candidate must file with the secretary of the board a written application on a form which will be furnished by the secretary on request. The application must be filed not less than forty-five days prior to the date set for examination and must be accompanied by a certified check, post-office money order, or bank draft for the required examination fee. [Amendment filed January 17, 1956]

**14. Examination fee.** The statutory examination fee is twenty-five dollars. If the applicant is conditioned on account of failure in one or more subjects, as provided in section 16, he may have four opportunities to complete his examination in the failed subject(s) without further payment of fee except that he will be required to pay any additional expense which is occasioned solely by his re-examination in the failed subject(s). In no case shall the examination fee be refunded, unless, in the discretion of the board, the applicant shall be deemed ineligible for the examination. [Amended June 29, 1959]

**15. Time and place and notice of examinations.** Examinations will be held at least once each year in May or November, or both, at the discretion of the board. Notice of the time and place of the examination will be advertised by the board for not less than three consecutive days in each of three daily newspapers published in the state of Iowa, the last publication to be not less than sixty days prior to such examination. Similar notice will be mailed to each candidate whose application to take the examination shall have been filed with the board, and approved by a majority of the members thereof.

**16. Subjects and requirements.** Examinations will be held in the following subjects: (1) Theory of accounts, (2) practical accounting, (3) auditing, (4) commercial law, (5) taxation, and (6) general commercial knowledge. In the several sessions of the examination, these subjects may be combined in

any manner deemed proper by the board. The time required for the entire examination will ordinarily be two and one-half days, unless otherwise prescribed by the board, with one-half day devoted to each of the major subjects, theory of accounts, auditing, and commercial law, and two half-days devoted to the major subject, practical accounting. If the candidate passes either the examination in practical accounting, or any two of the examinations in theory of accounts, auditing, or commercial law, and has grades of not less than fifty in the failed subjects, he may be conditioned and may complete his examination in the failed subject or subjects at any one or all of the next four succeeding examinations. If he is successful in passing the examination in the failed subject(s) at either of the subsequent examinations indicated, he shall be deemed to have passed the entire examination and shall be entitled to receive the certificate. If the candidate fails to remove his condition in the specified time, his credits shall lapse and he shall be required to sit for the examination in all subjects at his next examination thereafter. [Amended June 29, 1959]

**17. Conduct of examinations.** Examinations may be conducted in co-operation with the American Institute of Accountants or set independently by the Iowa board of accountancy. When examinations are conducted in co-operation with the American Institute of Accountants, they will be held simultaneously with those held in other states co-operating with the institute.

Each candidate will receive from the secretary (or from his representative) a numbered identification card and envelope. Before commencing his examination, the candidate will sign his name and indicate his address on this card which will then be sealed in the envelope and returned to the examiner in charge. Thereafter, the candidate will be known in the examination by his identification number and he shall place this number on every sheet containing computations for or answers to the examination questions. Under no circumstance shall a candidate place his name, initials, or any identifying mark other than his assigned number on any of his examination papers. Failure to comply with this rule shall be deemed misconduct sufficient for rejecting the candidate's papers.

If any candidate shall bring into the examination room any books, printed or written matter of a character tending to assist the applicant, or shall exchange any information or assistance with another applicant, any such action will be considered misconduct and shall be sufficient cause for rejecting his papers.

All supplies necessary for the examination will be furnished by the board, and, after use, shall remain the property of the board. Answers in all examinations must be presented on blanks furnished by the board and must be completed within the time allotted for each paper by the board.

All examinations shall be in writing. The writing may be in ink or in pencil and must

be legible. The board will not be responsible for the misconstruing of any writing which may be difficult to decipher.

The examination questions are the property of the board, but may be retained by the candidate with the board's permission.

The secretary will communicate in writing to each candidate the decisions reached by the board in his case, and shall state the grade received by the candidate on each paper or subject. In no event will any information concerning a candidate's answers be given to anyone other than the candidate himself nor will any of the candidate's papers be accessible for inspection at any time or by any persons except members of the board.

Three years after an examination the answers will be destroyed in a manner determined by a majority of the board.

**18. Certificates.** A certificate shall be issued only after a candidate's examination performance has received the approval of this board through the affirmative votes of a majority of its members.

#### IV. REGISTRATION OF FOREIGN CERTIFICATES

**19. Qualification for issuance.** The board is empowered to register the holders of unrevoked certified public accountants' certificates granted by other states or of equivalent certificates granted by the recognized authority of foreign countries, provided:

a. That the applicant is a citizen of the United States, or has declared his or her intention of becoming such.

b. That the applicant holds a valid and unrevoked certificate as a certified public accountant or an equivalent thereof, issued under the laws of any state or territory of the United States or the District of Columbia, or one issued by the governmental authority of a foreign nation (hereinafter called state), showing that the holder thereof has complied with the laws of such state.

c. That the requirements for a certificate as a certified public accountant or its equivalent in the state which has granted it to the applicant are, in the opinion of the board, equivalent to those established by the laws of Iowa and the rules of this board for the issuance of a certificate as a certified public accountant.

d. That the applicant received his certificate as a certified public accountant or its equivalent of the state with which reciprocity is requested, as a result of a regular written examination held within said state, or

e. That the applicant shall have been in continuous practice thereunder for at least seven years prior to the date of application, and

[Filed November 19, 1954]

f. That the state issuing the original certificate extends similar privileges to certified public accountants of Iowa and on the same terms.

**20. Applications for registration certificates.** Each application for a registration certificate

must be made on an official form to be furnished by the board on request, and must be accompanied by:

a. Official or certified copies of the laws of the state in which the applicant obtained his certificate as a certified public accountant, and of the rules and regulations of the board of examiners of such state, in effect both at the time he took the examination and at the date of application.

b. An official statement from the board of examiners of such state to the effect that the applicant's certificate is in full force and effect and unrevoked, and that he is in good standing.

c. An official statement from the board of examiners of such state that such board extends similar privileges to certified public accountants of Iowa and on the same terms.

d. A certified check, post-office money order, or bank draft for the required fee of twenty-five dollars.

Each application will be considered on its merits. The board specifically reserves the right to dispose of any application in such manner as, in its judgment, is warranted by the evidence, in the given case. In the event that an application is denied, the entire fee of twenty-five dollars will be refunded by the board to the applicant.

#### V. TEMPORARY ACCOUNTING ENGAGEMENTS

**21. Nonregistered certified public accountants.** The holder of a certified public accountant's certificate, granted by another state, who has neither office nor legal address in the state of Iowa, may practice in this state in connection with temporary engagements incident to his professional practice in the state of his domicile, provided he shall file, at least five days before commencing work for his client, with the board of accountancy and with the auditor of state the written appointment of a registered practitioner of this state, accompanied by a power of attorney, upon whom legal service may be had in all matters which may arise from such temporary professional accounting engagements, to act as his agent. The appointment of an agent may be temporary to cover a single engagement, in which case the application must state the name and address of the client for whom work is to be done, or the appointment may be made permanent by so designating in the application. If a permanent agent is appointed, the appointee must advise both the board and the auditor of state, in writing, at the time each assignment is begun, of the name and address of the client and the name and address of such permanent agent.

#### VI. REVOCATION OR SUSPENSION OF CERTIFICATES AND REGISTRATIONS

**22. Grounds for revocation.** The certificate of any certified public accountant or public accountant, issued by the state of Iowa, shall be revoked, and any certificate to practice shall be canceled if the holder or registrant:

a. Shall be convicted of a felony, or

b. Shall be convicted of any lesser offense involving dishonesty or fraud, or

c. Has been principal or accessory to the issuance or certification of false or fraudulent financial or related statements, or

d. Has obtained registration and a certificate to practice or either by means of false statements or misrepresentation.

**23. Grounds for suspension.** The certificate of any certified public accountant or public accountant or any certificate to practice issued by the state of Iowa may be suspended upon proof that the holder thereof has been guilty of unprofessional or unethical conduct in connection with the practice of accountancy. Such suspension shall be for such period of time not exceeding one year, as, in the discretion of the board shall be deemed appropriate.

**24. Hearings.** Written notice of the cause of such contemplated action and bill of particulars thereof, and the time and place for the hearing thereon, will be mailed to the holder of such certificate or to such registrant at his or her last known address at least twenty days prior to the date fixed for such hearing.

The board may adjourn such hearing from time to time, upon the request of the party charged, for the purpose of a fair hearing, and the certificate holder shall have the right to be represented by counsel.

All hearings, as herein provided, shall be before the full board and a two-thirds vote of the members thereof shall be required before any cancellation, revocation, or suspension shall be ordered.

**25. Failure to pay annual fees.** The failure to pay any of the annual fees herein provided on or before December 31 of each year shall result in the automatic cancellation of the certificate to practice and may be cause for the suspension of the certificate held by any certified public accountant or public accountant. The certificate to practice so canceled and the certified public accountant or public accountant certificate so suspended shall not be reinstated until all fees provided by law have been paid together with the amount of such default or arrears.

#### VII. RULES OF PROFESSIONAL CONDUCT

##### 26. Rules of professional conduct.

1. The preparation and certification of exhibits, statements, schedules or other forms of accountancy work containing an essential misstatement of fact or omission therefrom of such a fact as would amount to an essential misstatement or a failure to put prospective investors or creditors on notice in respect of an essential or material fact not specifically shown in the statements themselves shall be cause for such disciplinary action as the board of accountancy may impose under the provisions of law upon proper presentation of proof that such misstatement was either willful or the result of such gross negligence as to be inexcusable.

2. No practitioner shall certify to any statements, accounts, exhibits, schedules, or other results of accounting engagements which have not been verified entirely under his own supervision or that of a member of his firm or staff, or that of a practitioner duly registered with the Iowa board of accountancy or with a similar board in another state or in a foreign country.

3. No registered practitioner shall render or offer to render professional service, the fee for which shall be contingent upon his findings and the results thereof, except such income tax work as is permitted by the committee on enrollment and disbarment of the treasury department on a contingent fee basis.

4. Competitive bidding is deemed to be detrimental to the interests of the public and the accounting profession. No registered practitioner shall at any time knowingly, directly or indirectly, enter into bidding for any type of professional service whatsoever, in competition with other accountants. Competitive bidding is hereby defined as bidding for work on any basis in competition with other accountants.

5. No practitioner, while duly registered to practice, shall engage in any business or occupation conjointly with that of a public accountant which in the opinion of the board of accountancy is incompatible or inconsistent therewith.

6. No duly registered practitioner shall directly or indirectly allow or agree to allow a commission, brokerage or other participation by the laity in the fees or profits of his professional work, nor shall he accept directly or indirectly from the laity any commission, brokerage or other participation for professional or commercial business turned over to others as an incident of his services to clients.

7. No practitioner shall allow any person to practice accountancy in his name who is not a practitioner duly registered with the board of accountancy or who is not in his employ on a regular compensation.

7a. No practitioner shall operate any branch office unless he shall have in charge of such branch office a duly registered practitioner, resident of the community wherein such branch office is located.

[Filed January 17, 1956]

8. No practitioner duly registered with the board of accountancy shall directly or indirectly solicit the clients or encroach upon the business of another registered practitioner, but it is the right of any practitioner to give proper service and advice to those asking such service or advice.

9. No practitioner shall directly or indirectly offer employment to an employee of a fellow practitioner duly registered with the board of accountancy without first informing said fellow practitioner of his intent. This rule shall not be construed to prevent negotiations with any one who of his own initiative or in response to public advertisement shall apply

to such registered practitioner for employment.

10. No registered practitioner shall advertise his or her professional attainments or service through the mails, in the public prints, by circular letters or by other written word except that a practitioner may cause to be published in the public prints what is technically known as a card. A card is hereby defined as an advertisement of the name, title (such as C. P. A. or public accountant), class of service, and address of the advertiser, without any further qualifying word or letters, or in the case of announcement of change of address or personnel of firm, the plain statement of the fact for the publishing of which the announcement purports to be made. Cards permitted by this rule when appearing in newspapers shall not exceed two columns in width and three inches in depth; when appearing in magazines, directories, and similar publications, cards shall not exceed one-fourth page in size. This rule shall not be construed to inhibit the proper and professional dissemination of impersonal information or the properly restricted circulation of firm bulletins containing staff personnel and professional information.

Nothing in this rule, or in rule 8, shall be construed to prohibit the making in the public press or through the mails (or both) of a single announcement, otherwise conforming to the rules of the board, of an individual's or firm's initial opening of a practice office in a city or town.

11. The mailing by registered practitioners of circulars, letters, pamphlets, or other printed or written matter to persons not clients of such registered practitioners which contain no direct solicitation of employment but which do include the name and a description of the practice and address of such registered practitioner, or the distribution to persons not clients of the registered practitioner, of circulars or pamphlets advertising any business, educational, or social institution, or organization, which circular or pamphlet contains a card or advertisement of the practice of such registered practitioner, shall be construed as advertising under this rule.

12. No practitioner duly registered with the board of accountancy shall use any letters as the abbreviation of any words constituting a title or description of accountancy qualifications in conjunction with his name except the abbreviation C.P.A., which may be used only by certified public accountants.

[Filed August 11, 1958]

13. A registered practitioner shall not permit his name to be associated with statements purporting to show financial position or results of operations in such a manner as to imply that he is acting as an independent public accountant unless he shall: (1) Express an unqualified opinion, or (2) express a qualified opinion, or (3) disclaim an opinion on the statements taken as a whole and indicate clearly his reasons therefor, or (4) when unaudited financial statements are presented

on his stationery without his comments, disclose prominently on each page of the finan-

cial statements that they were not audited. [Amended June 1, 1959]

ADJUTANT GENERAL

[Filed August 6, 1963] [Amended November 27, 1965]

1.1 (29) The following forms are prescribed by the adjutant general of Iowa pursuant to the provisions of chapter 29B of the Code and shall be used by all military courts in the issuance of all process, including writs and warrants necessary and proper to carry into full effect the powers vested in such courts. Such process may be directed to appropriate military personnel, the sheriff of any county or any other peace officer of the state. It shall be the duty of all persons to whom such process may be so directed to execute the same and make return of their acts thereunder according to the requirements of the same.

The keepers and wardens of all city or county jails and of all other jails, penitentiaries or prisons, designated by the governor or the adjutant general of the state, shall receive the bodies of persons committed by such process of a military court and confine them in the manner provided by law for civilian offenders.

1.1 (1) Form of Warrant of Arrest.

STATE OF IOWA—NATIONAL GUARD WARRANT FOR ARREST OF DEFENDANT.

(Summary—Special—General) Court-Martial No. ....

To: ..... (Military Official, Sheriff, or Peace Officer)

..... having disobeyed an order in writing from the convening authority of the above Court to appear before said Court, a copy of the said charge or charges having been delivered to the accused with such order, you are therefore, in accordance with chapter 29B of the Code, commanded to arrest ..... and bring him forthwith before this Court, or hold him for said Court by delivering him into the custody of the Sheriff of ..... County.

The said ..... has been charged with .....

(President—Summary Court Officer)

RETURN

Received the within Warrant the ..... day of ....., 19...., at ....., and executed by ..... at ..... on ..... 19....

(This rule is intended to implement chapter 29B, Code of Iowa.)

1.1 (2) Form of Judgment and Commitment.

STATE OF IOWA—NATIONAL GUARD

JUDGMENT AND COMMITMENT

..... Court-Martial No. ....

STATE OF IOWA vs

On this ..... day of ....., 19...., the defendant herein was tried by ..... Court-Martial on the charge of .....

..... and the Court has entered a finding of guilty (and the defendant has pleaded guilty of such charge).

It is adjudged that the defendant is hereby committed to the custody of..... for imprisonment for a period of.....

The ..... (Summary Court-Martial) (Special Court-Martial) (General Court-Martial)

..... convened at ..... imposed a sentence upon said defendant by fining him the sum of \$..... and the defendant is in default on the payment of said fine, and it is therefore adjudged that defendant for said default be hereby committed to the custody of ..... for a period of .....

Therefore, under the provisions of chapter 29B of the Code, you are hereby directed to take into custody the person of the said..... and confine him to the ..... (County or City) Jail of ..... County, therein to be confined in accordance with the sentence aforesaid and for so doing this shall be sufficient warrant.

I, ..... (Summary Court Officer) (President) certify that the above judgment is a true and correct copy of the record thereof.

RETURN

I have executed the within judgment and commitment as follows: Defendant delivered on ..... to .....

Defendant noted appeal on ..... Defendant released on .....

(This rule is intended to implement chapter 29B, Code of Iowa.)

1.1 (3) Form of Subpoena.

STATE OF IOWA—NATIONAL GUARD

SUBPOENA STATE OF IOWA SS COUNTY OF

The State of Iowa to .....

You are hereby commanded to appear before the ..... (General—Special—Summary) Court-Martial at ..... in .....



Iowa, at 9:00 O'Clock A.M. on the ..... day of ..... 19...., to give evidence in a case between the State of Iowa, Plaintiff, and ..... Defendant, on the part of the said ..... and this you shall in no wise omit, under penalty of the law.

Witness my hand hereunder affixed at ..... Iowa this ..... day of ..... 19....

(Summary Court Officer—President)

RETURN

I received the within subpoena the ..... day of ..... 19...., and served the same on the following witnesses by reading and showing the original to each of them and delivering to each of them a copy thereof; all done in ..... County, Iowa.

BY:..... Deputy

(This rule is intended to implement chapter 29B, Code of Iowa.)

1.1 (4) Form of Subpoena—Duces Tecum.

SUBPOENA—DUCES TECUM STATE OF IOWA, ..... COUNTY, SS.

The State of Iowa to .....

You are hereby commanded to appear before the ..... Court-

Martial of the State of Iowa, at 9:00 O'Clock A.M. on the ..... day of ..... 19...., to give evidence in a case between the State of Iowa, Plaintiff, and ..... Defendant, on the part of said ..... and that you have then with you .....

and this you shall in no wise omit, under penalty of the law.

Dated this ..... day of ..... 19....

RETURN

Received the within subpoena the ..... day of ..... 19...., and served the same on the following witnesses by reading and showing the original to each of them and delivering to each of them a copy thereof; all done in ..... County, Iowa.

BY:..... Deputy

(This rule is intended to implement chapter 29B, Code of Iowa.)

These rules shall become effective as provided in chapter 17A of the Code after filing in the office of the secretary of state upon approval by the departmental rules review committee.

[Filed August 6, 1963]

AGRICULTURE DEPARTMENT

DIVISION OF ANIMAL INDUSTRY

CHAPTER 1

LIVESTOCK DISEASES

1.1 (163) Whenever any person, or persons who shall have knowledge of the existence of any infectious or contagious disease, as defined by section 163.2, Code of Iowa, 1962, such disease affecting the animals within the state or resulting in exposure thereto, which may prove detrimental to the health of the animals within the state; it shall be the duty of such person, or persons, to report the same in writing to the Chief, Division of Animal Industry, State Capitol Building, Des Moines 19, Iowa or to his authorized representative, who shall then take such action as deemed necessary, for the suppression and prevention of such disease.

[Filed March 12, 1962]

1.2 (163) Whenever the chief of division of animal industry shall have knowledge of an outbreak of any contagious, infectious, or communicable disease among domestic animals in the state, he shall take such action as he deems necessary for the prevention and suppression of such disease, and is authorized to establish, enforce, and maintain such quarantine regulations as he may deem necessary and for such purpose is authorized and empowered to call to his assistance any peace officer to aid him in the prosecution and performance of his duties.

1.3 (163) Whenever notice is given to the trustees of a township or to a local board of health, that animals are suspected of being affected with or having been exposed to any contagious, infectious, or communicable disease they may impose such restrictions as deemed necessary to prevent the spread of the disease. It shall be the duty of such township trustees or local boards to immediately notify the chief of division of animal industry.

1.4 (163) An animal must be considered as "exposed" when it has stood in a stable with, or been in contact with any animal known to be affected with a contagious, infectious, or transmissible disease; or if placed in a stable, yard, or other enclosure where such diseased animal or animals have been kept unless such stable, yard, or other enclosure has been thoroughly cleaned and disinfected after containing animals so affected.

1.5 (163) No attenuated or live culture vaccine or virus shall be sold or offered for sale at retail except to a licensed veterinarian of this state, nor shall it be administered to any livestock or poultry except by a licensed veterinarian of the state of Iowa. This does not apply to the sale of and administration of virulent hog-cholera virus when sold to and administered by valid permit holders for its use on hogs owned by themselves on their own premises.

**1.6 (163)** No person owning or having the care or custody of any animal affected with glanders or farcy, or which there is reason to believe is affected with said disease, shall lead, drive, or permit such animal to go on or over any public grounds, unenclosed lands, street, road, public highway, lane, or alley; or permit such animal to drink at any public watering trough, pail, or spring, or keep such diseased animal in any enclosure in or from which such diseased animal may come in contact with, or in proximity to, any animal not affected with such disease.

**1.7 (163)** Whenever any animal affected with glanders dies or is destroyed the carcass of such animal shall be burned immediately.

As glanders is transmissible to human beings great care must be exercised in handling diseased animals or carcasses.

**1.8 (163)** It shall be the duty of the chief of division of animal industry to maintain quarantine on all animals affected with glanders until such animals have been destroyed by consent of the owner or otherwise, and carcasses disposed of in accordance with section 1.7 (163) and the premises where the same have been kept thoroughly cleaned and disinfected.

**1.9 (163)** In suspected cases of glanders and farcy the most efficient field test is the intrapalpebral mallein test, and as valuable aids to diagnosis the mallein Strauss' agglutination and precipitation tests shall be recognized.

**1.10 (163)** Upon the appearance of an outbreak of blackleg on any premises all calves and yearlings on the premises should be promptly immunized. All carcasses of animals dead of blackleg must be burned intact without removal of the hide. Such carcasses may be disposed of by removal within twenty-four hours by the operator of a regularly licensed rendering plant, or his employees. In the event that the owner of any animal dead from blackleg neglects or refuses to make such disposition of the carcass or carcasses as indicated above, then in such cases the disposal shall be handled in accordance with section 1.115 (163) of these rules and regulations.

**1.11 (163)** It shall be the duty of any city or local board of health or township trustees whenever notice is given of animals being affected with rabies, glanders, scabies, hog cholera, or any contagious or infectious disease or having been exposed to the same, to promptly notify the chief of division of animal industry.

**1.12 (163)** Whenever rabies is known to exist in any community it shall be the duty of all owners of dogs or other exposed animals to immediately confine such dogs or animals securely to prevent them from spreading the infection should they develop the disease.

**1.13 (163)** When quarantine is established in any community on account of the existence of rabies all dogs not confined or muzzled shall be promptly destroyed.

**1.14 (163)** Whenever the chief of division of animal industry shall have knowledge of any horses, cattle, sheep, or swine affected with scabies or mange it shall be his duty to place such animals in quarantine and require owners to dip such animals at such intervals and in such dips as the case may require.

**1.15 (163)** The secretary of agriculture hereby recommends that all private and farm premises shall be cleaned up between April 15 and May 15 of each year by removing all litter, manure, cobs, and other waste accumulations; such products being spread upon the land as fertilizer or burned, that the health of the people and the livestock may be protected from any contagion or infection that may have existed on the premises. On any premises where any infectious or communicable diseases may have been known to exist, a thorough disinfection shall be required after cleaning.

**1.15 (1)** All municipal officers, township trustees, county agents, inspector of the bureau of animal industry, physicians, and veterinarians in Iowa are requested to use their influence in advising and assisting the people in carrying out the provisions of this rule.

**1.15 (2)** Barns, stables, hog and poultry houses: First, sweep ceilings, walls, and floors removing all cobwebs, dust and litter; then clean out all manure, litter, hay and fodder from mangers and floors, scraping all permanent feed boxes, mangers, walls and floors. Finally, thoroughly spray ceilings, walls, partitions, feed boxes, and mangers with a three percent solution of compound cresol U.S.P.

**1.15 (3)** Pens and yards: Remove all manure, litter, cobs, and other waste material; then thoroughly spray with a three percent solution of compound cresol U.S.P. and scatter lime over floors and yards.

**1.16 (163)** It shall be the duty of the chief of division of animal industry to supervise the disinfection of all buildings, stalls, and pens at the state fairgrounds just prior to the opening of such fair and to supervise the disinfecting daily of hog pens and such other enclosures as he may deem necessary.

**1.17 (163)** It shall be the duty of all secretaries of all county fairs or exhibitions of livestock in the state of Iowa, excepting the Iowa state fair, to supervise the disinfecting of all buildings, stalls, and pens prior to the opening of such county fair or exhibition of livestock and to disinfect hog pens and all such enclosures as he may deem necessary, daily, during such fairs and exhibitions.

**1.18 (163)** All cattle and swine presented for exhibition at the Iowa state fair, or any fair or exhibition within the state of Iowa, will be considered under quarantine and not eligible for showing until the owner or agent presents the proper health certificate stating the animals comply with the following rules and regulations. Official health certificates must be presented to and approved by the

veterinary inspector in charge of the fair or exhibition before time of showing.

**1.19 (163)** All female cattle and bulls shall be identified as originating from herds, all animals of which were negative to the last tuberculin test and applied within one year. If such cattle are not of this classification, they shall have proved negative to a tuberculin test applied within sixty days prior to the opening date of such fairs or exhibition before time of showing.

**1.19 (1)** All breeding and dairy cattle over six months of age must have passed a negative test for Bang's disease (brucellosis) within sixty days prior to the opening date of the fair, except such cattle as originate in herds designated and certified by the proper livestock sanitary authorities of the state of origin as Bang's disease (brucellosis) accredited herds. The blood samples must have been drawn by a licensed accredited veterinarian and tested by an approved laboratory and certified to by the livestock sanitary official of the state of origin.

**1.19 (2)** Steers need not be tested but must be accompanied by a health certificate showing them to be free from symptoms of infectious and contagious diseases as determined by a clinical inspection.

**1.19 (3)** Vaccinates — Calves vaccinated against Bang's disease (brucellosis) between the ages of four and eight months with brucella-abortus vaccine strain number nineteen and were negative to an agglutination test within twenty days prior to date of vaccination, will be accepted without additional test up to thirty-eight months of age, provided said vaccination was applied and blood sample drawn by a licensed accredited veterinarian and properly reported by him. The agglutination test on these blood samples must have been made by a recognized laboratory.

a. Calves vaccinated against Bang's disease (brucellosis) between the ages of four and eight months with brucella-abortus vaccine strain number nineteen and without the benefit of a pretest, will be accepted without additional test up to twenty-four months following date of vaccination, provided said vaccination was applied by a licensed accredited veterinarian and properly identified and reported by him.

b. All such cattle vaccinated after July 4, 1947, must be identified with a regulation tattoo mark.

**1.20 (163)** All swine must be accompanied by a certificate showing that they have been immunized with anti-hog-cholera serum and hog cholera virus not less than twenty-one days or when serum alone is used not more than fifteen days prior to the opening date of such fair or exhibition.

**1.20 (1)** Swine accompanied by a health certificate stating that they have been vaccinated by a licensed graduate veterinarian with any of the vaccines recognized by the Chief, U. S. Bureau of Animal Industry, Washington,

D. C., for the prevention of hog cholera, not less than twenty-one days nor more than twelve months will be eligible to enter any fair or exhibition.

[Filed June 3, 1955]

**1.21 (163)** All railroad and transportation companies are hereby required to provide for proper drainage of all stockyards, pens, alleyways, and chutes, and to clean and disinfect the same between April 15 and May 15 of each year, and at such other times as may be deemed necessary. All expense incurred for the disinfecting and supervision of same must be paid by the railroad company. The chief of division of animal industry shall enforce this rule.

**1.22 (163)** It is hereby ordered by the state of Iowa, secretary of agriculture that all cars or vehicles that have been used for conveying any animal or animals that have been found to have suffered or are suffering from any contagious or infectious diseases must be cleaned and disinfected thoroughly before leaving the yards where such animal or animals have been unloaded within the state of Iowa.

**1.23 (163)** All stock cars and trucks used for hauling livestock (cattle, horses, sheep, and swine) for feeding, breeding, or stock purposes into the state of Iowa must be cleaned and disinfected before such shipments of livestock are loaded.

**1.23 (1)** All railroad and transportation companies shall comply with this rule.

**1.24 (163)** The term "quarantine" shall be construed to mean the perfect isolation of all diseased or suspected animals from contact with other animals as well as the exclusion of other animals from yards, stables, enclosures, or grounds where suspected or diseased animals are or have been kept.

**1.25 (163)** The department of agriculture hereby authorizes and directs the chief of division of animal industry to co-operate with the bureau of animal industry, United States department of agriculture, in all regulations for the prevention, control, and eradication of contagious and infectious diseases among domestic animals in the state of Iowa.

**1.26 (Reserved)**

[Filed January 12, 1966]

As authorized by section 163.1, Regulation 14A, IDR January 1963 Supplement is hereby rescinded and the following inserted in lieu thereof:

The Intrastate Movement of Livestock

**1.27 (163) General.** All places where livestock is assembled, either bought or sold for purposes other than immediate slaughter, whether by private sale or public auction, when not under federal supervision must be under state supervision.

**1.27 (1)** The management of all livestock auction markets shall make application for, and

obtain a permit from the department to conduct such sales.

1.27 (2) Before movement, the livestock shall comply with requirements as set forth below.

1.27 (3) Livestock imported for resale shall meet all health requirements governing their admission into the state as set forth in Chapter 3, Rules and Regulations.

1.28 (163) **Veterinary Inspection.**

1.28 (1) All livestock markets shall be under the general supervision of the Chief, Division of Animal Industry, Des Moines, Iowa 50319, and the direct supervision of the approved veterinary inspector. State-federal approved markets shall pay veterinary inspection fees directly to the department of agriculture and the department shall reimburse the veterinary inspector. All other markets shall pay inspection fees directly to the veterinary inspector.

1.28 (2) The veterinary inspector shall:

- a. Examine all livestock moving through the market,
- b. Prohibit the sale of any animal which in his opinion is diseased,
- c. Issue quarantines when required, and
- d. Supervise the cleaning and disinfection of yards following sales.

1.29 (163) **Swine.**

1.29 (1) Swine known to be exposed to any infectious or contagious disease shall not be sold at a public sale. Swine infected with rhinitis, bull nose or arthritis may be sold at the end of the hog sale to move direct to slaughter on an affidavit or may be returned to the farm of origin under quarantine for later movement to slaughter.

1.29 (2) All swine consigned for sale, except when sold for immediate slaughter or for the manufacture of biological products, must meet the following requirements relative to hog cholera vaccination:

a. Vaccinated not less than twenty-one days nor more than one year prior to sale with modified live virus and anti-hog-cholera serum or anti-body concentrate, or

b. Vaccinated not less than twenty-one days nor more than six months with killed vaccine, or

c. Unvaccinated swine to be vaccinated on market premises by veterinary inspector with modified live virus and anti-hog-cholera serum or anti-body concentrate and placed under twenty-one day quarantine on the premises of the purchaser, thereby eliminating more than one movement during the twenty-four hour period following vaccination.

1.29 (3) Public announcement of the vaccination status of all swine shall be made prior to the sale.

1.29 (4) Swine vaccinated by a licensed veterinarian must be accompanied by a certificate of vaccination.

1.29 (5) Swine vaccinated by the owner must be accompanied by a notarized statement showing date of vaccination, serial number and manufacturer of vaccine and serum.

1.29 (6) Swine consigned for sale and unloaded at a livestock market must meet hog cholera vaccination requirements before leaving market whether a change of ownership occurs or not.

1.29 (7) The vaccination status of all swine moving through an auction market must be acceptable to the veterinary inspector in charge.

1.29 (8) Boars for immediate service and pregnant sows may be released on single treatment only, at the discretion of the veterinary inspector in charge and at no time shall a certificate of vaccination be issued on serum alone treatment.

1.29 (9) Baby pigs less than thirty days of age, may be moved through a livestock market without vaccination when nursing immune sows.

1.29 (10) *Brucellosis*: All breeding swine four months of age or over moving through a livestock market must:

- a. Originate from a validated herd, or
- b. Be proved negative to a brucellosis test conducted within sixty days prior to sale or service and originate from a herd not under quarantine.

All breeding swine showing a positive reaction to a brucellosis test conducted at a livestock market, shall be tagged in the left ear with a reactor tag and moved direct to slaughter, on permit. The herd of origin shall be placed under quarantine for immediate test. Such quarantine to remain in effect until a complete negative herd test is conducted.

The negative animals from a reactor group disclosed at an auction market can return to the farm of origin or be sold as one unit under strict quarantine to be tested no sooner than thirty days nor later than sixty days from the date of test.

1.30 (163) **Cattle.** All female cattle born after July 1, 1963, sold or otherwise disposed of, or moved to commingle with cattle of another owner for dairy or breeding purposes, after reaching the age of nine months must have been officially vaccinated for brucellosis. (Exceptions can be made in a hardship case).

1.30 (1) Free movement of the following classes:

- a. Animals consigned directly to slaughter.
- b. Steer and spayed heifers.
- c. Native calves under eight months of age.
- d. Female cattle under thirty months of age, when officially vaccinated for brucellosis and accompanied by an official health certificate showing individual identity.
- e. Females born prior to July 1, 1963 accompanied by an official health certificate

showing a negative test to brucellosis conducted within a thirty-day period prior to movement.

f. Animals from a herd certified to be free of brucellosis or animals from a herd not under quarantine located in a modified certified brucellosis area.

**1.30 (2)** Cattle originating in certified herds and modified certified brucellosis areas lose their identity and brucellosis health status when consigned by a dealer or pass through a nonapproved market and must be handled according to subsection 1.30 (1), "a" through "e".

**1.30 (3)** Bulls. Official brucellosis vaccination will not be recognized for the intrastate movement of bulls of any age.

Bulls eight months of age and over must be accompanied by an official health certificate:

a. Showing a negative brucellosis test conducted within thirty days prior to movement, or

b. Originate in a herd certified to be free of brucellosis, or

c. Originate from a herd not under quarantine located in a modified certified brucellosis area.

**1.30 (4)** Cattle meeting Iowa brucellosis vaccination requirements purchased at an auction market may be tested for brucellosis on the auction market premises, in the new owner's name at owner's request. This test must be made within twenty-four hours from the time of sale. If such test discloses reactors, the herd of origin shall be placed under quarantine for immediate test. The negative animals can return to the farm of origin or be sold under strict quarantine to be retested no sooner than thirty days nor later than sixty days from the date of test. Reactors must be consigned direct to slaughter on permit.

**1.30 (5)** Female cattle of recognized beef type under twenty-one months of age not having met brucellosis requirements as set forth above, are subject to feeder quarantine for a period of time not to exceed twelve months. An owner may upon written request receive an extension of quarantine not to exceed one hundred twenty days. Such cattle may be sold or transferred between owners, when not under quarantine, and it shall be the responsibility of the seller or owner to furnish evidence of the sale or transfer to the Iowa Division of Animal Industry within seventy-two hours.

**1.30 (6)** Bulls of recognized beef type sold through auction markets are subject to immediate test, castration or consignment to slaughter.

#### **1.31 (163) Sheep.**

**1.31 (1)** Market class sheep shall have free movement through all auction markets when meeting the following requirements:

a. Consigned direct to slaughter on a signed slaughter affidavit.

b. Properly branded with the letter "K"

on the side or back by means of red branding paint.

#### **1.31 (2) Other classes of sheep:**

a. Must have been dipped within ten days under veterinary supervision to move through an auction market.

b. Can be handled only by auction markets having dipping facilities available.

**1.31 (3)** All sheep unloaded at an auction market which does not maintain proper dipping facilities must move direct to slaughter and may not return to the farm of origin without dipping.

**1.31 (4)** The same requirements as stated in subsections 1.31 (1), 1.31 (2) and 1.31 (3) above shall be in effect on any sheep sold from trucks by managers of the auction markets, regardless of whether they are unloaded in the yards.

[Filed January 12, 1966]

[Effective January 15, 1966]

**1.32 (163) Swine Vaccination.** All swine of thirty days of age or over that are sold or leased to move intrastate and not consigned direct to slaughter or for serum production, must be accompanied by a valid certificate of vaccination issued by a licensed veterinarian or notarized statement of vaccination by owner against hog cholera by a method approved and recognized by the Iowa department of agriculture and the United States department of agriculture.

Unvaccinated swine at time of sale or lease, must be vaccinated on the premises of the seller or lessor or may move to an Iowa auction market or approved feeder pig market to be vaccinated; and must move to the premises of the purchaser or lessee within twenty-four hours of vaccination, where they shall be placed under twenty-one-day quarantine.

Freshly vaccinated swine, if not moved within twenty-four hours of vaccination, shall be placed under twenty-one-day quarantine on the owner's premises.

[Filed July 14, 1964]

Sections 1.33 to 1.36, inclusive,  
reserved for future use.

#### **BRUCELLOSIS REGULATIONS**

[Filed November 26, 1957]

#### **1.37 (163) Definitions as Used in These Regulations.**

**1.37 (1)** "Department" means the Iowa Department of Agriculture, State Capitol Building, Des Moines, Iowa.

**1.37 (2)** "Federal Office" means the Animal Disease Eradication Division, Agricultural Research Service, United States Department of Agriculture, 501 Iowa Building, Des Moines, Iowa.

**1.37 (3)** "Brucellosis" means the disease of brucellosis in animals.

**1.37 (4)** "Brucellosis Test" means the blood serum agglutination test for brucellosis, applied in accordance with a technique approved by the department.

**1.37 (5)** "B.R.T." means brucellosis ring test as applied to milk and cream, and used as a presumptive test for locating possible brucellosis infected herds according to a technique approved by the department.

**1.37 (6)** "Brucellosis Test Classification" means the designation of animals tested by the brucellosis test classifying them as negative, suspects or reactors according to the following diagnostic tables:

<b>a. Official Vaccinates:</b>			
Dilutions			Diagnosis
1:50	1:100	1:200	
—	—	—	Negative
+	—	—	Negative
+	+	—	Suspect
+	+	+	Reactor
<b>b. Nonvaccinated Animals:</b>			
Dilutions			Diagnosis
1:50	1:100	1:200	
—	—	—	Negative
+	—	—	Suspect
+	+	—	Reactor
+	+	+	Reactor

**1.37 (7)** "Veterinarian" means a graduate of an approved veterinary school who is licensed and registered to practice veterinary medicine in this state.

**1.37 (8)** "Under Official Supervision" is the term applied to any herd following control plans 1.38 (1) [Plan A], 1.38 (2) [Plan B] or 1.38 (3), [Plan C], and the owner of which has signed the State-Federal Co-operative Agreement.

**1.38 (163) Control Plans for Brucellosis.**

In order to be recognized as being under a control plan for brucellosis it will be necessary for owners of cattle to sign an agreement form prescribed by the department designating one of the following plans:

**1.38 (1) [Plan A]** Test annually of all cattle more than eight months of age, except steers, spayed heifers and official calfhood vaccinates until thirty months of age, slaughter all reactors with indemnity payments as provided by state and federal regulations. All reactors to be hot iron branded on the left jaw with the letter "B" at the time the test is completed. Official calfhood vaccination to be optional with the herd owner.

**1.38 (2) [Plan B]** Test annually all cattle more than eight months of age, except steers, spayed heifers and official calfhood vaccinates until thirty months of age. All reactors are to be identified by hot iron brand on the left jaw with the letter "B" and with an ear tag in the left ear, and the herd quarantined on the farm. No reactors may be held more than three years. If a calfhood official vaccinee reacts, the animal may be retested within sixty days at the owner's expense. Official vaccination of all female calves between the ages of four and eight months.

**1.38 (3) [Plan C]** Official vaccination of all female calves between the ages of four and eight months. The herd must be composed entirely of official vaccinates.

a. Owners who follow either 1.38(2)

[Plan B] or 1.38 (3) [Plan C] may change to 1.38 (1) [Plan A] by compliance with the requirements of 1.38 (1) [Plan A] and be eligible for indemnity providing the herd has passed one complete herd test with disposal without indemnity of any reactors disclosed.

**1.39 (163) Certified Brucellosis-Free Herd.**

In order to qualify a herd of cattle as brucellosis free, and receive a certificate evidencing same, the owner thereof shall comply with the following requirements:

**1.39 (1) A Certified Brucellosis-Free Herd.**

Tests on herds in which reactors have been disclosed shall be made at intervals of not more than sixty days until all evidence of infection has been eliminated. These tests shall include all animals over six months of age, except steers, spayed heifers and officially vaccinated animals not over thirty months of age. A herd may be certified as brucellosis-free when it has passed at least three consecutive tests, with the first clean test and the certifying test not less than twelve months apart. Where there is no evidence of infection on the first test, a herd may be certified as brucellosis-free when it has passed one additional clean test conducted not earlier than six months nor more than one year from the date of the first test. Where the milk test is employed, herds may be certified as brucellosis-free with a minimum of three negative milk tests conducted at intervals of from four to six months and followed by a clean blood test within thirty days of the last milk test (BRT). All recertification of herds shall be based on the annual negative blood test.

**1.39 (2) Additions to Certified Herds.**

a. To certified herds:

(1) From herds with equal status.

(2) From once tested clean herds. Calf vaccinated animals up to thirty months of age on certificate of vaccination—over thirty months if negative; or nonvaccinated animals on evidence of negative retest not less than sixty days from date of negative herd test.

b. To once tested clean herds:

(1) From herds with equal or superior status.

(2) From other herds, calfhood vaccinated animals up to thirty months of age on certificate of vaccination; over thirty months, if negative; nonvaccinated animals if tested negative, then segregated and retested negative in not less than sixty days.

**1.39 (3)** The owner or veterinarian shall make a request to the chief, division of animal industry for certification, or recertification, for a brucellosis-free herd when the required tests are completed.

**1.40 (163) Restraining Animals.** To facilitate the vaccination, taking of blood sample or identifying animals as reactors, it shall be the duty of the owner to confine the animals in a suitable enclosure and to restrain the individual animal in a manner sufficient to permit the veterinarian to perform any of the services required under laws and regulations of Iowa.

**1.41 (163) Quarantines.**

**1.41 (1)** Bovine animals classified as reactors shall be quarantined on the premise and not permitted to mingle with other cattle until disposed of for slaughter under a permit issued by the department or its authorized agent.

**1.41 (2)** All bovine animals comprising a herd operating under control Plan A shall be quarantined when one of its members has been classified as a reactor, such quarantine to remain in effect until two consecutive negative brucellosis tests, thirty to sixty days apart have been made. No animals of such a herd may be moved or sold except to slaughter under permit issued by the department or its authorized agent except that the department in hardship cases may permit the movement of such animals other than to slaughter with quarantines remaining in effect at the new location, together with any new animals with which they may commingle.

**1.41 (3)** Owners of animals tested for brucellosis shall hold the entire herd on the premises until the results of the test are determined.

**1.41 (4)** Notice of quarantine shall be delivered in writing by the department or its authorized agent to the owner or caretaker of all cattle quarantined. A report of such quarantine shall also be filed with the department as prescribed.

**1.41 (5)** All suspects to the brucellosis test disclosed in herds operating on Plan A or Plan B shall be quarantined and subjected to a retest. Suspects shall be subjected to two tests, thirty to sixty days apart. Unless subsequent tests show the animal to be a reactor the animal may be released from quarantine.

**1.42 (163) Identification of Bovine Animals.**

**1.42 (1)** Identification Tag—Every veterinarian, in conjunction with the testing of any bovine animal for brucellosis or the vaccination of any such animal shall insert an identification tag of the type approved by the department in the right ear of each animal which is not so identified; provided that in the case of an animal registered with a purebred association, the registry or tattoo number assigned to the animal by such association may be used for identification in lieu of an identification tag.

**1.42 (2)** Official Vaccinates (Defined by Law)—All official vaccinates must be given an identification tag in the right ear, and in addition must be tattooed or branded in accordance with chapter 164, Iowa Code.

**1.42 (3)** Reactor Identification — Bovine reactor cattle eight months of age or over shall be permanently branded with a hot iron on the left jaw with the letter "B" not less than two inches nor more than three inches high and shall also be tagged in the left ear with a reactor identification tag approved by the department within fifteen days of the date on which they were disclosed as reactors. This section shall not apply to official calfhood

vaccination as defined in section 164.1 of the 1954 Code of Iowa. Such vaccinates need not be branded if they react to the brucellosis test until thirty months of age.

**1.43 (163) Cleaning and Disinfection.**

After any disclosure of reactors to the brucellosis test, and following their disposal for slaughter, the owner of such cattle shall be required to clean and disinfect all barns and premises in which said cattle have been held. Such cleaning and disinfection shall be done in accordance with instructions and with a disinfectant approved by the department.

**1.44 (163) Disposal of Reactors.**

**1.44 (1)** Reactor cattle disclosed in herds operating under Plan A shall be tagged and branded within fifteen days of the date the blood samples were taken. In accordance with Iowa law, an additional thirty days will be allowed for slaughter.

**1.44 (2)** All reactors shall be disposed of for slaughter only in plants operating under federal meat inspection or slaughtering establishment approved by the department and must be accompanied by a shipping permit ADE 1-27 issued by an accredited veterinarian.

**1.44 (3)** No cattle shall be disposed of through public sales or sales barns.

**1.45 (163) Brucellosis Tests and Reports.**

**1.45 (1)** All brucellosis tests conducted at state-federal expense must be tested at the state-federal laboratory, Ames, Iowa.

**1.45 (2)** The department shall approve a veterinarian as eligible to conduct brucellosis tests, provided he has submitted to and has successfully passed a course of training and instruction provided by the department. The department shall specify the standards for maintaining such approval.

**1.45 (3)** All brucellosis tests conducted by a veterinarian must be reported to the department, on forms prescribed, within seven days following completion of such tests. A copy of such tests shall also be given to the herd owner by the veterinarian.

**1.45 (4)** Reports of vaccination shall be rendered by the veterinarian within thirty days in compliance with the regulation. It is from the information on these reports that the owner of the cattle will receive recognition as being under official supervision.

**1.46 (163) Suspect Animals Designated as Reactors.**

**1.46 (1)** A nonvaccinated animal classified as a suspect on two consecutive brucellosis tests no sooner than thirty nor longer than sixty days apart may be reclassified as a reactor by the veterinarian obtaining the blood sample, provided the herd of origin contains reactors.

**1.46 (2)** A nonvaccinated animal classified as a suspect on the brucellosis test may be reclassified as a reactor by the veterinarian obtaining the blood sample provided that such an animal is known to have aborted and is from a herd containing reactors.

1.46 (3) Animals so designated in sections 1.38 (1) and 1.38 (2) will be eligible for indemnity in accordance with the laws and regulations governing same.

**1.47 (163) Indemnity Not Allowed.**

1.47 (1) No indemnity shall be paid unless the test was previously authorized by proper state and/or federal authority.

1.47 (2) No indemnity may be paid on an animal which was vaccinated when it was more than eight months of age.

1.47 (3) No indemnity may be paid for calves positive to the agglutination test unless eight months of age or over.

1.47 (4) No indemnity may be paid as a result of a test of an official vaccinate less than thirty months of age.

1.47 (5) No indemnity may be paid upon reactors unless they are tagged, branded and slaughtered according to the state and federal regulations.

1.47 (6) No indemnity may be paid upon cattle entering the state of Iowa which have not met the requirements for entry as breeding or dairy cattle.

1.47 (7) No indemnity can be paid on reactors owned by the state or county.

1.47 (8) No indemnity may be paid on unregistered reactor bulls, steers or spayed heifers.

1.47 (9) No indemnity will be paid for brucellosis reactors when known reactors have been held on the premises for more than thirty days from the date on which they were tagged and branded.

1.47 (10) No indemnity will be paid when infected premises have not been cleaned and disinfected to the satisfaction of the department in such a manner as to prevent the further spread of the disease.

1.47 (11) No indemnity will be paid if the claimant has failed to comply with any of the requirements of these regulations.

1.47 (12) No indemnity will be paid on brucellosis reactors disclosed in a herd unless a state-federal co-operative agreement has been signed by the owner prior to conducting the brucellosis test.

1.47 (13) No indemnity will be allowed unless all animals comprising the herd, both beef and dairy type, have been subjected to a brucellosis test conducted at the state-federal laboratory.

1.47 (14) No indemnity will be paid on any reactors unless they are slaughtered in a plant operating under federal meat inspection and accompanied by a shipping permit ADE 1-27 issued by an accredited veterinarian.

**1.48 (163) Area Testing.**

1.48 (1) Counties shall be tested in the order that valid petitions are received unless the department shall decide that it is not expedient to make the tests in that order.

1.48 (2) All provisions of the regulations as promulgated under authority of 164.2 of the

Iowa Code are also in effect for counties designated as under area testing.

1.48 (3) An area may be declared modified certified brucellosis-free by the application of two milk tests not less than six months apart, together with a blood test of all milk reacting herds and such other herds as are not included in the milk test. The number of reactors (exclusive of officially calf vaccinated animals under thirty months of age) must not exceed one percent of the cattle and the herd infection must not exceed five percent. Infected herds shall be quarantined until they have passed at least two consecutive blood tests not less than sixty days apart.

1.48 (4) If testing as outlined in subsection 1.48 (3) above reveals an animal infection rate of more than one percent, but not over two percent, and a retest of the infected herds applied; within one hundred twenty days discloses not more than one percent animal infection in not over five percent of the herds, the area may then be certified.

1.48 (5) If the test of an area as outlined under subsection 1.48 (3) results in more than two percent reactors, or if a retest of infected herds as under subsection 1.48 (3) does not qualify the area for certification, it shall be necessary to make a complete area retest.

1.48 (6) Recertification. Areas may be recertified with the application of semiannual milk tests, follow-up blood tests of milk reacting herds, and blood tests at three year intervals on twenty percent of all herds not included in the milk test, if the incidence of infection does not exceed one percent of the cattle and five percent of the herds under test.

1.48 (7) If testing as outlined under subsection 1.48 (6) reveals an animal infection rate of more than one percent, but not over two percent and a retest of the infected herds applied within one hundred twenty days discloses not more than one percent animal infection in not over five percent of the herds, the area may then be certified.

1.48 (8) Any area not qualifying for recertification under the provisions of 1.48 (7) shall be required to re-establish its certified status through testing procedures as outlined under 1.48 (3).

1.48 (9) The report of suspicious ring test of any herd shall be cause for a brucellosis test to be made.

1.48 (10) The report of negative ring test will exempt a herd from brucellosis test unless such herd is due a test because of previous infection.

1.48 (11) Milk producing herds missed on more than one regularly scheduled ring test will be required to have a brucellosis test made.

1.49 (163) Tuberculin tests adopted by the department of agriculture are:

1.49 (1) The subcutaneous or "Thermal" Test.

1.49 (2) The intradermic or "Skin" Test.

1.49 (3) The ophthalmic or "Eye" Test.



**1.50 (163)** The intradermic tuberculin test will be accepted provided it has been applied by a regularly employed state or federal veterinarian, an accredited veterinarian, or by an approved veterinarian when endorsed by the authorities of the state of origin, provided the observations be made at the seventy-second hour.

**1.51 (163)** The intradermic test is hereby adopted for area tuberculosis eradication work.

**1.52 (163)** The ophthalmic test will not be accepted as an official test except when applied in combination with either the subcutaneous or intradermic test.

**1.53 (163)** All tuberculin tests must be made within thirty days of date of shipment.

**1.54 (163)** All certificates of health must show the number of cattle included in the test, the name of the owner, and the post-office address.

**1.55 (163)** All cattle not identified by registration name and number shall be identified by a proper metal tag bearing a serial number, attached to the right ear.

**1.56 (163)** No cattle shall be imported into the state of Iowa except in accordance with [1.34(163)].

**1.57 (163)** All herds of breeding cattle in counties that are under state and federal supervision for the eradication of tuberculosis in which reactors have been found may be held in quarantine until they have passed a negative tuberculin test.

**1.57 (1)** All cattle that react to the tuberculin test, as well as those which show physical evidence of tuberculosis shall be marked for identification by branding with the letter "T" not less than two or more than three inches high on the left jaw and to the left ear shall be attached a metal tag bearing serial number and the inscription "REACTOR".

**1.58 (163)** All untested steer cattle shall be handled and maintained as a separate unit from the breeding cattle (which means they shall be quarantined, watered, and fed apart from breeding cattle).

**1.59 (163)** Female cattle, the products of which are intended for family use, may be tuberculin tested without being denied the use of the same pastures and the same watering troughs as steers in feeding. This does not apply to female cattle, the products of which are handled commercially; neither does it apply where the feeding cattle are other than steers. Cows kept under such conditions cannot be sold for any purpose other than slaughter without being subjected to an additional tuberculin test.

**1.60 (163)** Certificates and test charts must be made to conform with United States Bureau of Animal Industry regulations governing the interstate movement of cattle; the original must be attached to the waybill, and a copy forwarded to the Chief of Division of Animal Industry, Iowa Department of Agriculture, Des Moines 19, Iowa.

**1.61 (163)** Reactors to the tuberculin test brought in for immediate slaughter must be consigned to a slaughtering establishment having federal inspection and must be transported thereto in accordance with section V, Regulation 7, of B. A. I. Order No. 309.

**1.61 (1)** When it is found on slaughter that animals are affected with tuberculosis, the chief, division of animal industry may order an immediate investigation, and if deemed advisable have all breeding cattle on the premises from which the tubercular animals originated, tested for tuberculosis.

**1.61 (2)** When cattle within the state of Iowa are sold under sale contract to pass a sixty-or ninety-day tuberculin test and have failed to pass the same, before being returned to the original owner the party wishing to return such animal or animals shall first obtain a permit from the chief, division of animal industry, Iowa department of agriculture, to do so.

**1.61 (3)** When cattle are sold out of the state of Iowa under sale contract to pass a sixty-or ninety-day tuberculin test and failing to pass the same, before being returned to the original owner, the party wishing to return such animal or animals shall first furnish a tuberculin test chart showing the reaction, giving the date of reaction and proving to the satisfaction of the chief, division of animal industry, that such animals are reactors.

**1.62 (163)** The rules adopted by the Iowa department of agriculture governing the establishment of tuberculosis-free accredited herds and accredited areas or units in Iowa will be applied to such herds, and areas or units in co-operation with the bureau of animal industry, United States department of agriculture.

**1.63 (163)** A tuberculosis-free accredited herd is one which has been tuberculin tested by the subcutaneous method, or any other test approved by the bureau of animal industry, under the supervision of the Iowa department of agriculture and the United States department of agriculture, or a veterinary inspector employed by the state in which co-operative tuberculosis eradication work is being conducted jointly by the United States department of agriculture and the state. Further, it shall be a herd in which no animal affected with tuberculosis has been found upon two annual or three semiannual tuberculin tests, as above described, and by physical examination.

**1.64 (163)** The entire herd, or any cattle in the herd, shall be tuberculin tested or retested at such time as is considered necessary by the federal and state authorities.

**1.65 (163)** No herd shall be classed as an accredited herd, in which tuberculosis has been found by the application of the test as referred to in section 1.63 (163), until such herd has been successfully subjected to two consecutive tests with tuberculin applied at intervals of not less than six months, the first interval dating from the time of removal of the tuberculous animals from the herd.

**1.66 (163)** No cattle shall be presented for the tuberculin test which have been injected with tuberculin within sixty days immediately preceding or which have at any time reacted to a tuberculin test.

**1.67 (163)** Prior to each tuberculin test satisfactory evidence of the identity of the registered animal shall be presented to the inspector. Any grade cattle maintained in the herd, or associated with the animals of the herd, shall be identified by a tag, or other marking, satisfactory to the state and federal officials.

**1.68 (163)** All removals of cattle from the herd, either by sale, death, or slaughter, shall be reported promptly to the said state or federal officials, giving the identification of the animal, and if sold, the name and address of the person to whom transferred. If the transfer is made from the accredited herd to another accredited herd the shipment shall be made in only cleaned and disinfected cars. No cattle which have not passed a tuberculin test approved by the state and federal officials shall be allowed to associate with the herd.

**1.69 (163)** All milk and other dairy products fed to calves shall be that produced by an accredited herd, or if from outside or unknown sources it shall be pasteurized by heating to not less than one hundred-fifty degrees Fahrenheit for not less than twenty minutes.

**1.70 (163)** All reasonable sanitary measures and other recommendations by the state and federal authorities for the control of tuberculosis shall be complied with.

**1.71 (163)** Cattle from an accredited herd may be shipped interstate on certificate obtained from the office of the chief, division of animal industry or from the office of the bureau of animal industry without further tuberculin test, for a period of one year, subject to the rules and regulations of the state of destination.

**1.72 (163)** All cattle which react to the tuberculin test and for which the owner desires indemnity, as provided by statute, must be removed immediately from the cattle barn, lots, and pastures where other cattle are being kept.

**1.72 (1)** The barn or place where reacting cattle have been housed or kept shall be thoroughly cleaned and disinfected immediately.

**1.72 (2)** Feed places and floors must be cleaned of all hay and manure and scraped clean.

**1.72 (3)** All loose boards and decayed woodwork should be removed, and when deemed necessary, and requested by the veterinarian, must be accomplished before it will be considered that the place has been properly cleaned and disinfected.

**1.72 (4)** The feeding places, troughs, floors and partitions near the floor should be washed and scoured with hot water and lye.

**1.73 (163)** Strict compliance with these methods and rules shall entitle the owner of tuberculosis free herds to a certificate, "TUBERCULOSIS-FREE ACCREDITED HERD", to be issued by

the United States department of agriculture, bureau of animal industry and the division of animal industry, Iowa department of agriculture, said certificate shall be good for one year from date of test, unless revoked at an earlier date.

**1.74 (163)** Failure on the part of the owners to comply with the letter or spirit of these methods and rules shall be considered sufficient cause for immediate cancellation of the co-operative agreement with them by the state and federal officials.

**1.75 (163)** In accordance with the provisions of chapter 165, Code of Iowa, 1950, the Iowa department of agriculture shall have control of the sale, distribution, and use of all tuberculin used in the state and shall formulate regulations for its distribution and use. Only such persons as are authorized by the department, inspectors of the B.A.I., and regularly licensed practicing veterinary surgeons of the state of Iowa shall be entitled to administer tuberculin to any animal included within the meaning of this chapter.

**1.76 (163)** No person, firm, or corporation shall sell or distribute tuberculin to any person or persons in the state of Iowa except under the following conditions:

**1.76 (1)** That the person or persons are legally authorized to administer tuberculin.

**1.76 (2)** That all sales of tuberculin shall be reported to the secretary of agriculture on proper forms, which forms may be obtained from the chief, division of animal industry.

**1.76 (3)** Reports of all sales and distribution of tuberculin in the state of Iowa shall be made in triplicate; the original copy to be delivered with the tuberculin to the person obtaining same; the duplicate to be forwarded to the Chief, Division of Animal Industry, Des Moines 19, Iowa; and the triplicate copy to be retained by the manufacturer or distributor. All reports shall be made within sixty days from date of sale.

**1.77 (163)** When hogs upon any farm or premises within the state of Iowa are sick or show symptoms of cholera, it shall be the duty of the owner or person having supervision of such hogs to immediately report same to the chief, division of animal industry. Upon receiving such notice the chief, division of animal industry shall promptly investigate the case. If cholera is present the regular quarantine card shall be posted and the owner or person having supervision of the hogs so diseased will be required:

**1.77 (1)** To shut up his sick hogs or confine them under cover away from all carriers of infection.

**1.77 (2)** To vaccinate the herd.

**1.77 (3)** To burn all dead hogs within twenty-four hours, intact, or he may dispose of same by turning such dead hogs over to a licensed rendering plant, within twenty-four hours. Failure of the owner or his agent to dispose of the carcasses of hogs as outlined

above, will be cause for the disposal of same in accordance with section 1.115 (163).

**1.77 (4)** To clean and disinfect the hog houses, pens and yards where infected hogs have been and to disinfect daily that part of the premises where sick hogs are being kept under cover. When satisfied that the herd has recovered from the disease the remaining hogs may be given their freedom on the premises and the part of premises where the sick hogs have been kept shall be cleaned and disinfected.

**1.78 (163)** All hogs within the state of Iowa immunized by the double or simultaneous method against hog cholera shall be held intact for a period of not less than twenty-one days from date of vaccination.

**1.79 (163)** A person, firm, company, or corporation before selling or offering for sale within the state any anti-hog-cholera serum and hog-cholera virus, shall first make application to the department of agriculture for permission.

**1.80 (163)** Said application shall give the name of said person, firm, company, or corporation with their place or places of business.

**1.81 (163)** No anti-hog-cholera serum and hog-cholera virus shall be sold or offered for sale or use or be used in this state which has not been produced at a plant holding a valid United States government license for the manufacture and sale of same.

**1.82 (163)** Any person, firm, company, or corporation operating under permit issued by the department of agriculture that sells or distributes or is responsible for the sale or distribution of any anti-hog-cholera serum and hog-cholera virus, if the same should cause any sickness in hogs, shall promptly investigate the complaint and report the result to the Chief, Division of Animal Industry, Des Moines 19, Iowa. Until such action is taken by such person, firm, company, or corporation, and a report made as required, their license or permit may be suspended or canceled by the secretary of agriculture.

**1.83 (163)** All anti-hog-cholera serum and hog-cholera virus and all serum and toxins which may be injuriously affected by exposure to light and to high temperature, must be stored in a dark, cool chamber or refrigerator at a temperature not to exceed fifty-five degrees Fahrenheit.

**1.83 (1)** All dealers in the state of Iowa or in any place under the jurisdiction of the state of Iowa shall keep such products protected from light and under refrigeration until sold or otherwise disposed of.

**1.84 (163)** Permanent daily records of the course of the preparation, of tests for purity and potency and of methods of preservation of virus, serum, toxins shall be kept by each licensed establishment whether it is a dealer or manufacturer producing such products in the state of Iowa, on a form satisfactory to the chief, division of animal industry, or a duly authorized representative of the secretary of agriculture; and also a record shall

be kept by each establishment and by each manufacturer, showing the sale, shipment, or other disposition of anti-hog-cholera serum or hog-cholera virus.

**1.85 (163)** Each true container of anti-hog-cholera serum and hog-cholera virus prepared for sale, exchange, or shipment by any licensed establishment within the state of Iowa, or imported into the state, shall bear a trade label as hereinafter directed.

**1.86 (163)** No container of anti-hog-cholera serum and hog-cholera virus shall bear a label unless or until the product contained therein shall have been prepared in compliance with these regulations and found not to be worthless, contaminated, or harmful.

**1.87 (163)** No person shall apply or affix or cause to be applied or affixed, any trade label, stamp, or mark on any container of anti-hog-cholera serum or hog-cholera virus prepared or received in a licensed establishment except in compliance with these regulations. Suitable tags or labels of a distinct design shall be used for identifying all anti-hog-cholera serum and hog-cholera virus.

**1.88 (163)** Each trade label, stamp, or trade mark shall show the federal license number and the permit number issued by the state.

**1.89 (163)** Each trade label, stamp, or mark shall bear a serial number affixed by the manufacturer by which the product can be identified with the records of preparation.

**1.90 (163)** Each trade label, stamp, or mark shall bear a return date affixed by the producer of same. The date shown shall be the date after which the manufacturer does not guarantee the product to be of full strength and potency.

**1.91 (163)** On the trade label, stamp, or mark affixed to the true container of hog-cholera virus, in addition to the statements required by the preceding sections, the following must be prominently placed and lettered: Caution: Burn Virus container and all unused contents.

**1.92 (163)** Any person, not a registered veterinarian, applying for a permit to use hog-cholera virus must furnish to the secretary of agriculture a certificate from a recognized institution certifying that such person has taken proper course of instruction and is qualified to safely use hog-cholera virus whereupon the secretary of agriculture shall issue a permit to such person to use hog-cholera virus on his own hogs upon his own premises.

**1.93 (163)** No person, firm or corporation shall engage in the business of disposing of the bodies of dead animals without first obtaining a license to do so in the manner and upon the terms and conditions provided in chapter 167, Code of Iowa, 1950.

**1.94 (163)** Any person who shall obtain from any other person the body of any animal for the purpose of obtaining the hide, skin, or grease from such animal in any way whatsoever, shall be deemed to be engaged in the business of disposing of dead animals.

**1.95 (163)** Any person desiring to engage in the business of disposing of the bodies of dead animals by cooking or otherwise shall file with the department of agriculture of the state of Iowa an application for license.

**1.96 (163)** Such applicant shall at the time he files such application pay to the department of agriculture the sum of one hundred dollars.

**1.97 (163)** If the secretary of agriculture shall find that such applicant is a responsible and reliable person, and capable of conducting properly such business, and that the place where such business is to be conducted is a suitable and sanitary place, he shall issue to such applicant a certificate to that effect.

**1.98 (163)** Such applicant shall file such certificate with the department of agriculture and shall pay said department the sum of one hundred dollars for a license to conduct such business.

**1.99 (163)** Every person operating under a license issued by the department of agriculture shall pay, annually, for the renewal of such license the sum of one hundred dollars.

**1.100 (163)** Plans of disposal plant, either in blue print or detail drawing shall be filed with the Iowa department of agriculture. All tanks, vats, pipes, drains, valves, etc., shall be shown in detail. A separate drawing or blue-print of the covered or underground portion of the construction shall be included with these plans. Any alteration in construction that is to be made shall be approved by the department before construction is undertaken.

**1.101 (163)** No place shall be deemed suitable or sanitary for disposing of the bodies of dead animals unless it conforms to the following specifications:

**1.101 (1)** The building must be provided with concrete or cement floors or some other nonabsorbent material and provided with good drainage and be thoroughly sanitary.

**1.101 (2)** All cooking vats or tanks shall be air-tight; except where proper escapes or vents are required for live steam used in cooking.

**1.101 (3)** Steam shall be so disposed of as not to cause unnecessary annoyance or create a nuisance.

**1.101 (4)** Such place shall be so situated, arranged, and conducted as not to interfere with the comfortable enjoyment of life and property of the citizens of this state.

**1.101 (5)** No liquid wastes, either from the process or from washings, shall be discharged into any stream, watercourse, or on the surface of the ground.

**1.101 (6)** All sewage from washing of floors, wagons, trucks, and all liquid wastes from the rendering process shall be disposed of by:

- a. Evaporation.
- b. Sterilized by boiling.
- c. Through a series of septic tanks proven adequate to handle and render nonpathogenic the quantity of material discharged at

maximum capacity of the plant. The disposal plan for carrying out the above process shall be submitted to the department for approval before it is installed.

**1.102 (163)** Conveyances for transporting carcasses of animals must be provided with water-tight bed or tank not less than twenty-four inches in depth; all metal or metal-lined and water-tight at least four inches above the general level of the bottom of box or bed; end-gate to be of metal or metal-lined, hinged at the bottom of box or bed and fastened firmly at top when closed; endgate to be provided with an effect on the inside to fit snugly over the end of the bed.

**1.103 (163)** All trucks used for transporting carcasses of dead animals on the highways must be owned and operated by a licensed disposal plant, except as provided for in section 1.104 (163). The name and address and license number of the plant shall be painted on both sides of the truck in letters not less than four inches high and in a color in definite contrast to the body color of the truck.

**1.104 (163)** In cases where licensed disposal plants have employees operating trucks in other cities or towns, they must operate under the name of the licensed disposal plant by which they are employed, and this applies to all advertisements and listings.

**1.105 (163)** *Tarpaulins.* No disposal plant truck shall be moved on the highway without having a tarpaulin which is adequate to cover the bed of the truck and anything contained therein. If any carcass is contained in the truck or the truck has not been thoroughly cleaned, such tarpaulin must be in place covering the bed of the truck and its contents. Such tarpaulin must have no holes through which flies can pass.

**1.106 (163)** Whenever a vehicle or person in charge thereof, or his assistant, has been upon any premises for the purpose of removing the carcass of any animal, or where animals are dead or dying, before such vehicle can be taken upon a public highway or upon other premises and before leaving the premises of the rendering plant on each trip the wheels of such vehicles, and the shoes or boots of all persons having been upon such infected premises, shall be disinfected thoroughly with any disinfectant of prescribed strength recommended by the bureau of animal industry as a disinfectant, preferably cresol compound, three percent, or a 1-1000 solution of bichloride of mercury. Facilities and materials for disinfection shall be carried on truck at all times.

**1.107 (163)** The carcass of no animal which dies or which has been killed on account of being affected with anthrax may be handled by a disposal plant. In case through error or otherwise, an anthrax carcass is brought into a disposal plant, the plant and its trucks shall be placed under quarantine immediately on the premises of the disposal plant. And said quarantine shall remain in effect until such cleaning and sterilizing of the plant, equip-

ment and any by-products including hides that the department may deem necessary, has been completed.

**1.108 (163)** If a committee, composed of a member of the division of animal industry, a member of the dairy and food division, and representatives of the state board of health, and local board of health, after investigation finds that the location or management of any rendering plant interferes with the health, comfort and enjoyment of life or property, the department will consider such finding sufficient grounds for the withholding or suspending of a license.

**1.109 (163)** It will be necessary for the management of each rendering or processing plant to spray the inside of each building, including the doors, windows, and screens, as well as all trucks used in transporting the bodies of dead animals, with an approved and effective fly control agent every thirty days beginning the first of April and continuing through the month of October.

**1.110 (163)** Section 167.19, Code of Iowa, *Penalty*—The violation of any of the provisions of this chapter or any rule adopted thereunder by the department shall be punishable by a fine of not less than five dollars nor more than one hundred dollars or by imprisonment in the county jail not more than thirty days.

**1.111 (163)** All carcasses of animals dead or which have been killed on account of being infected with anthrax must be burned within twenty-four hours intact without removal of the hide, together with all contaminated flooring, mangers, feed racks, watering troughs, buckets, bedding, litter, soil, and utensils. In case such flooring, mangers, feed racks, watering troughs, buckets, stanchions, etc., that have been contaminated are constructed of metal and cement or other fireproof material, they shall be disinfected thoroughly with cresolis comp., U.S.P., or any reliable disinfectant recommended by the B.A.I., chief of division of animal industry, or a regularly qualified veterinarian. In the event the owner or his agent neglects or refuses to make such disposition of the carcasses of animals dead from anthrax within twenty-four hours, as stated above, then in such cases the disposal of the same shall be handled in accordance with section 1.115 (163).

**1.112 (163)** All carcasses of hogs dead of cholera must be burned within twenty-four hours intact, or they may be disposed of within twenty-four hours to the operator of a licensed rendering plant or his employee. In the event that the owner or his agent neglects or refuses to make such disposition of the carcass or carcasses of hogs dead of cholera, then the disposal of same shall be handled in accordance with section 1.115 (163).

**1.113 (163)** All carcasses of animals dead from noncommunicable diseases, may be either burned within twenty-four hours, or such carcasses may be disposed of within twenty-four hours by the operator of a licensed rendering

plant or his employee. In the event that the owner or his agent neglects or refuses to make such disposition of the carcass or carcasses, then the disposal of same shall be handled in accordance with the provisions of section 1.115 (163).

**1.114 (163)** All persons are strictly forbidden to throw the carcass of any animal into any river, stream, lake, or pond, or bury the carcass of any animal near any stream, or tile drain. Such carcasses if dead of noncommunicable disease, if not disposed of to a rendering plant, must be buried six feet below the surface of the ground, in accordance with the preceding ruling of this section.

**1.115 (163)** When the owner of any animal, dead from any cause, neglects or refuses to make proper disposition of the carcasses of such animals it shall be the duty of the township trustees or local board of health to supervise the disposal of such carcasses.

**1.116 (163)** On and after June 1, 1953 it shall be unlawful for any person, firm, partnership or corporation to feed garbage, including all waste material, by-products of a kitchen, restaurant, stock yards, hotel, or slaughter house, every refuse accumulation of animal, fruit, or vegetable matter, liquid or otherwise to animals, unless such garbage has been heated to a temperature of two hundred twelve degrees Fahrenheit for thirty minutes.

Nothing in this requirement shall apply to an individual who feeds to his own animals only the garbage obtained from his own household.

**1.117 (163)** Before any person shall process any public or commercial garbage for swine, a license must be obtained from the Iowa department of agriculture, division of animal industry.

**1.118 (163)** Application blanks to obtain license for processing garbage may be secured from the Iowa department of agriculture, division of animal industry, Statehouse, Des Moines, Iowa.

**1.119 (163)** The license fee for each processing plant shall be fifty dollars annually, payable on or before September 1.

**1.120 (163)** Upon receipt of the application and license fee the department will inspect the premise and the physical property on which the applicant proposes to conduct such business.

**1.120 (1)** The representative of the department making the inspection shall file a report of his findings.

**1.121 (163)** The cooking of raw garbage for the purpose of feeding to animals shall be in a plant or boiler located not less than 100 feet from any pen, lot, or other enclosure in which animals are kept.

**1.122 (163)** Garbage to be fed to swine in the state of Iowa shall be cooked or heated to two hundred twelve degrees F. for thirty minutes by one or more of the following methods:

1.122 (1) Wet steaming or boiling in open vat.

1.122 (2) Dry steaming or boiling in a jacketed kettle.

1.122 (3) Steaming in pressure cylinder.

1.122 (4) Steam boilers.

1.122 (5) Direct heating over an open fire.

a. Accurate recording thermometers shall be used regardless of the manner of cooking. Daily cooking records are to be kept and available to the department for a period of at least six months after processing.

1.123 (163) The boilers or containers in which such raw garbage intended for animal feed is cooked or heated must be kept in a clean and sanitary condition at all times.

1.123 (1) All containers used for storage of raw garbage shall be constructed and kept in such a manner that rodents or animals shall not have access to them.

1.124 (163) All trucks, vehicles and containers used for the transportation of raw garbage to cooking plants shall be constructed of or lined with impervious material which does not permit the escape of any fragments of garbage or of liquids and the garbage shall be covered.

1.125 (163) All garbage cooking plants for processing raw garbage for the purpose of feeding animals, shall be situated and operated in such a manner as not to interfere with the comfortable enjoyment of life and property of the citizens of Iowa.

a. Adopted this 24th day of April, 1953, to be effective June 1, 1953.

1.126 (163) On and after January 1, 1956, all swine which have been fed raw garbage, as defined in paragraph 3, section 163.26 of chapter 163 of the 1954 Code of Iowa, shall be placed under quarantine and held in strict isolation from other animals.

1.127 (163) Swine shall not be moved from the premises until a period of thirty days has elapsed from date the quarantine is issued, and they have been inspected by a state or a federally employed veterinarian who will issue a shipping form known as ADE-1-27 for the movement of the swine direct to a federally inspected packing plant for slaughter and special processing.

1.128 (163) Swine referred to in section 1.126 (163) and section 1.127 (163) which have developed the disease known as vesicular exanthema prior to or following the issuance of the quarantine, may be moved to a licensed rendering plant for processing under the direction of the Iowa department of agriculture.

1.129 (163) Any vehicle used for the movement of swine referred to in section 1.126 (163), section 1.127 (163) and section 1.128 (163), shall be thoroughly cleaned and disinfected before leaving premises where swine have been delivered.

1.130 (163) **Penalty.** Violations of these regulations shall be punishable as provided for

in section 163.29 of chapter 163 of the 1954 Code of Iowa.

[Filed December 22, 1955]

ERADICATION OF BOVINE TUBERCULOSIS

1.131 (165) **Fee Schedule.**

1.131 (1) *Injection.* Five dollars per stop (herd) and seventy-five cents per head.

1.131 (2) *Reading.* Five dollars per stop (herd) and fifty cents per head.

1.131 (3) *Tagging and Branding Reactors.* Five dollars first reactor, and three dollars each additional reactor.

[Filed July 13, 1965]

RABIES CONTROL

1.132 (351) **Control and Prevention of Rabies.**

1.132 (1) *Antirabies Vaccine.*

a. Modified live virus chick embryo rabies vaccine is the designated vaccine approved by the Iowa Department of Agriculture and will be recognized for a period of two years.

b. The intramuscular method is recommended in the injection of the antirabies vaccine.

1.132 (2) *Tag and Certificate.*

a. The veterinarian shall issue a tag with the numerical number thereon and the certificate of vaccination shall designate the tag number.

b. Each rabies vaccination certificate issued by the veterinarian must be an Official Rabies Vaccination Certificate approved by the Iowa Department of Agriculture.

[Filed July 13, 1965]

CHAPTER 2

MOVEMENT OF LIVESTOCK  
(INTERSTATE—INTRASTATE)

**Rules and regulations governing movement of livestock (both interstate and intrastate) through livestock auction markets, marketing agencies, sale barns or sale yards; with special reference to brucellosis requirements of cattle as applied to livestock auction markets and marketing agencies specifically approved under state-federal agreement.**

[Filed December 23, 1959]

For the purpose of following rules—livestock markets shall be deemed to include all auction markets, marketing agencies, sales barns, sales yards or livestock dealers operating under a state permit as required.

2.1 (163) **Permits.**

2.1 (1) *By whom required.* Any person, partnership, firm, corporation or livestock market engaged in the business of buying, selling or assembling livestock, or receiving livestock by consignment, for the purpose of resale either interstate or intrastate, whether by private sale, public auction or on a commission basis either wholly or in part, when not under full-time federal supervision must be under state supervision and must first obtain a permit to conduct such business. A separate per-

mit must be obtained for each separate or independent marketing unit even though operated under the same management or same person, partnership, firm, corporation or livestock market.

a. The foregoing provision shall not apply to authorized agents or employees of livestock markets operating under a valid state permit, provided such agent or employee is doing business in the name of such livestock market, nor shall it apply to the owner or operator of a farm or feedlot who deals only in livestock which has been kept by him, or is to be used by him, for dairy, breeding, or feeding purposes. Furthermore, this shall not apply to a commission firm doing business under the rules and regulations of public stockyards company operating under federal supervision.

**2.1 (2) How permits will be issued.** Applications for livestock marketing permit shall be made to the division of animal industry by the marketing unit owner or operator or the livestock dealer on a special form furnished by the department. Upon receipt of such application, an investigation will be made and the premises will be inspected by a qualified state employed inspector. A permit will then be issued or the application denied.

**2.2 (163) Animal Health and Sanitation Requirement.**

**2.2 (1) Veterinary inspection required.** All auction markets, marketing agencies, sales barns, or sales yards operating under a permit as required shall provide for veterinary inspection by a qualified veterinary inspector, approved by the department of agriculture, state of Iowa; who shall inspect all animals marketed, and shall require that the premises be maintained in sanitary condition at all times.

**2.2 (2) Who may inspect.** Any accredited veterinarian, licensed to practice in the state of Iowa, and who has been approved by the Iowa department of agriculture, state capitol, Des Moines 19, Iowa. In addition the veterinary inspector must be approved by the department to do brucellosis plate testing, or shall have available approved laboratory facilities.

**2.3 (163) Duties and Responsibilities of the Livestock Market Management.**

*General.* All livestock market owners, operators or managers shall co-operate in obtaining full compliance with all state laws, rules and regulations and with the federal regulation (Part 78, Title 9—C.F.R.) and shall agree to:

**2.3 (1)** Notify the division of animal industry, Iowa department of agriculture and United States department of agriculture (Des Moines Branch) animal disease eradication division as to method of operation (buying, receiving and selling of livestock). Auction markets shall furnish a schedule of regular sale dates and notify both aforementioned departments of all special sales not less than five days in advance.

**2.3 (2)** Provide for chutes and divisions of yarding and pens as required to handle livestock according to their classification.

**2.3 (3)** Furnish the name of a veterinarian who will be held primarily responsible for all inspections required to be approved as veterinary inspector.

**2.3 (4)** Permit no animals to be sold at any time PRIOR TO VETERINARY INSPECTION.

**2.3 (5)** Release only recognized beef type cattle for feeding or grazing purposes as qualify under Iowa law and federal regulations.

**2.3 (6)** Permit no cattle under feeder quarantine in accordance with Iowa law to be sold except direct to slaughter unless permission is granted by the approved veterinary inspector, in which case they may be released for further feeding under quarantine not to exceed the unexpired time of the original quarantine.

**2.3 (7)** Clean and disinfect all chutes, whether portable or stationary and all pens, alleyways, and scales after each sale or at any time when ordered to do so by the approved veterinary inspector and in accordance with the procedure recommended by him.

**2.3 (8)** Maintain accurate records, including records of origin, identification, destination or other disposition of all livestock handled at the livestock market. Such records shall be made available for inspection by an authorized state or federal inspector upon request. Such records shall be kept for a period of not less than one year.

**2.3 (9)** Notify both state and federal offices immediately in the event of sale, transfer or ownership or change of management of the livestock marketing agency.

**2.3 (10)** Failure to comply with any of the foregoing provisions shall be deemed sufficient reason to remove a market from the state-federal approved list and/or revoke the permit to operate as a livestock market.

a. In the event of termination of operation, the permit to operate must be surrendered to the State Department of Agriculture, State Capitol Building, Des Moines 19, Iowa.

**2.4 (163) Duties and Responsibilities of the Livestock Market Veterinary Inspector.**

*General.* The livestock market veterinary inspector shall allow sufficient time to perform his duties at the livestock market and shall inspect all livestock prior to sale, whether sold by auction or private sale. In the case of auction markets he must be present during the entire time the sale is in progress. He shall have full authority to reject or detain any animal or animals at owner's expense, or any animal or animals which in his opinion is diseased or exposed in conformance with chapter 163, 1958 Code of Iowa, which for any reason may be detrimental to the health of the animals within the state. In addition to clinical inspection on all animals, the veterinary inspector shall:



2.4 (1) Permit no animal to be sold prior to test when a test is required.

2.4 (2) Permit no animal to be released prior to vaccination when vaccination is required.

2.4 (3) Obtain permits for movement (either interstate or intrastate) at owner's expense, when permits are required.

2.4 (4) Issue all official quarantines (including feeder quarantine) or other form of releasing documents before permitting animals to be removed from the livestock market.

2.4 (5) Notify the state office promptly of any transfer of ownership of feeder cattle under feeder quarantine.

2.4 (6) Mail copies of all official health certificates and quarantines to the division of animal industry immediately.

2.4 (7) Mail copies of all test charts (both T.B. and Brucellosis) and copies of all calfhood vaccination record Form BV-1 to the United States Department of Agriculture (Des Moines Branch), Animal Disease Eradication Division.

2.4 (8) Report promptly all violations or refusals to comply with state laws, rules or regulations and federal regulations to the proper state or federal inspectors.

2.4 (9) Failure to comply with any of the foregoing provisions shall be deemed sufficient reason for disapproving the veterinary inspector.

**2.5 (163) Classification of Livestock Markets.**

2.5 (1) State-federal approved markets shall include all markets that qualify to receive cattle in conformance with state laws, rules and regulations, and federal regulations (Title 9, Part 78—C.F.R.). They will be classified according to their physical facilities and equipment available to receive, handle and maintain the identity and the Brucellosis health status of cattle marketed. They will be designated as Class "A", those approved to receive all classes of cattle including known brucellosis reactors, and Class "B", those approved to receive only cattle not known to be brucellosis infected.

2.5 (2) Nonapproved markets shall include all markets that do not qualify under paragraph A above for state-federal approved under Title 9, Part 78—C.F.R.

**2.6 (163) Requirements for State-Federal (Specifically) Approved Markets.**

*General.* Collection of Veterinary Inspection Fee: In conformance with section 211.3 of the Code. The state department of agriculture shall collect a veterinary inspection fee agreed upon by the marketing unit operator and qualified veterinary inspector, recommended by the marketing unit operator and approved by the secretary of agriculture, plus a cost of administration not to exceed two dollars per month per marketing unit, on all animals marketed through sale yards, sale barns, auction mar-

kets, or other marketing agencies required to hold permits issued by the department. Such fees, when collected, shall be placed by the secretary in an "inspection fee revolving fund" under his jurisdiction. The department shall pay fees to each such approved veterinary inspector for inspection services in accordance with agreements between such veterinarians and the marketing units where inspections are accomplished, reduced by the allowable amounts for administration. Such fees shall be adjusted from time to time so that the amount collected will not exceed the costs of said veterinary inspections and the administration thereof. The provisions of this Act shall also apply to all sale yards, sale barns, and marketing agencies receiving livestock moved into the state of Iowa for sale through said sale yards, sale barns, and marketing agencies, except meat processing establishments or terminal markets where full-time federal inspections are required and such requirements are complied with. Sale yards, sale barns and marketing agencies not handling livestock shipped into the state of Iowa for resale shall be exempt from the provisions of this Act, as well as livestock meeting federal and state requirements for interstate shipment as to health at the time of entry into Iowa.

2.6 (1) Physical facilities and equipment necessary to qualify for Class "A" (state-federal) approved market.

a. Class "A" Certificates of Approval will be issued to Auction Markets only; and only to those markets having facilities and equipment to receive cattle in conformance with state laws, rules and regulations and with federal regulation (Title 9, Part 78—C.F.R.) and will be permitted to receive all classes of cattle including known brucellosis reactors.

**2.6 (2) Class "A" State-Federal Approved Markets shall:**

a. Provide a separate unloading chute and a division of yarding for handling of known brucellosis reactors, such chute and yarding shall at no time be used to hold cattle of any other class.

b. Provide sufficient run-ways or alleyways, the floors of which shall be covered with concrete or other material of an impervious nature so that reactor animals can travel from the holding pens through the sale-ring and the scale room, and be returned without leaving such floors.

c. Provide a separate unloading chute and a division of yarding for handling cattle originating in certified brucellosis-free herds and/or in negative herds from modified certified brucellosis areas. Such chute may be used for handling cattle of unknown brucellosis health status.

d. Provide sufficient run-ways or alleyways, the floors of which are covered with concrete or other material of an impervious nature so that animals can travel from holding pens through sale-ring and scale room and be returned without leaving such floors.



**2.6 (3)** Physical facilities and equipment necessary to qualify for Class "B" (state-federal) approved markets.

a. Class "B" Certificates of Approval will be issued to auction markets meeting the same requirements as listed under subsection 2.6 (2) except items "a" and "b"; and to Marketing Agencies having facilities to maintain the identity and brucellosis health status of the various classes of cattle received.

**2.6 (4) Nonapproved Markets.** Nonapproved markets will not be permitted to receive cattle originating outside the state of Iowa, except such cattle that have met both state and federal requirements prior to entry, but must meet the same requirements as state-federal specifically approved markets in handling and releasing cattle to move intrastate and must meet all federal regulations under 9 C.F.R., Part 78, as well as the requirements of the state of destination in releasing cattle to move interstate. Cattle from certified herds and areas passing through such markets shall be deemed to have lost their status and must meet the requirements of subsection 2.7 (1) through 2.7(6). If brucellosis reactor animals are disclosed on tests within nonapproved markets, they shall be placed in a holding pen separate and apart from other cattle. Such animals must be sold or moved from the holding pen direct to slaughter.

**2.7 (163) Requirements for Sale of All Bovine Animals.** All animals must pass a negative test for brucellosis unless they can be classified under one of the following exemptions:

**2.7 (1)** Steers and spayed heifers.

**2.7 (2)** Female calves for dairy and breeding purposes, under eight months of age.

**2.7 (3)** Female animals and bulls of recognized beef type, sold for feeding and grazing purposes.

**2.7 (4)** Animals consigned direct to slaughter.

**2.7 (5)** Official vaccinates under thirty months of age if accompanied by an official vaccination certificate.

**2.7 (6)** Cattle accompanied by test charts and identified as having passed a negative test within 30 days.

**2.7 (7)** Cattle from modified certified herds or modified certified brucellosis areas, providing they do not originate from a herd under quarantine, and further provided they are handled in accordance with section 2.6 (163), subsection 2.6 (2), paragraph "a". If such cattle are consigned by a dealer or pass through a nonapproved market, however, they lose their identity and brucellosis health status and must be handled according to subsection 2.7 (1) through 2.7 (6) above. Known brucellosis reactors shall be handled in accordance with section 2.6 (163), subsection 2.6 (2) paragraphs "a" and "b".

a. After the cattle are classified and identified, according to the purpose for which

they are to be sold, this information shall be recorded on the check-in slip. All check-in slips, vaccination certificates, test charts, permits or other official documents shall be given to the official veterinary inspector. The veterinary inspector shall be held responsible for checking all animals and determining if the animals qualify under these exemptions. Animals that do not qualify must be tested or sold for slaughter.

**2.8 (163) Testing and Vaccinating.** All animals classified to be tested shall be tested prior to sale. All brucellosis tests shall be reported on the regular brucellosis test form ADE 8-28, and duplicate blood samples of all animals tested shall be forwarded to the Brucellosis Diagnostic Laboratory, Iowa State University, Ames, Iowa. All unvaccinated female calves not less than four months or more than eight months to be returned to Iowa farm for dairy or breeding purposes should be vaccinated against brucellosis with *Brucella Abortus* vaccine strain nineteen at owner's expense, before being released.

**2.9 (163) Order of Sale Through Auction Markets.** The following order shall be maintained in the sale of the various classes of cattle through Auction Markets whenever applicable:

**2.9 (1)** Cattle from certified herds and modified certified brucellosis areas.

**2.9 (2)** Animals having passed a negative test within thirty days and official vaccinates under thirty months of age.

**2.9 (3)** Beef cattle sold for feeding and grazing.

**2.9 (4)** Animals consigned direct to a slaughter.

**2.9 (5)** Brucellosis reactor animals.

**2.10 (163) Releasing Cattle.** The veterinary inspector in charge of the livestock market shall be held responsible for seeing that all animals are released in conformance with Iowa laws, rules and regulations, and federal regulation 9 C.F.R., Part 78, where interstate movement is involved. All release forms must be signed, stamped, or otherwise approved by the veterinarian or someone authorized by him to do so. Any stamp so used must be initialed by the person by whom it is used. The livestock market management shall co-operate to see that all animals are released only on properly stamped or veterinary approved release forms.

**2.11 (163) Movement of Cattle Into Modified Certified Brucellosis Areas Within Iowa.** Cattle moving into a modified certified brucellosis area within Iowa on a negative thirty-day test only shall be quarantined, held separate and apart from other cattle, and retested at owner's expense in not less than thirty days nor more than sixty days.

**2.11 (1)** Pursuant to the authority vested in the department of agriculture of the state of Iowa by the provisions of chapter 163, Code of

Iowa, 1958, the following revised rules are hereby promulgated and adopted to be effective.

[Filed February 1, 1960]

CHAPTER 3

IMPORTATION OF LIVESTOCK AND POULTRY INTO THE STATE OF IOWA

[Filed December 3, 1964]

**3.1 (163) General.**

**3.1 (1)** No animal, including poultry or birds of any species that is affected with, or that has been recently exposed to any infectious, contagious or communicable disease or that originates from a quarantined area, shall be shipped or in any manner transported or moved into Iowa; except, animals approved for interstate shipment for immediate slaughter, by the animal disease eradication division, United States department of agriculture.

**3.1 (2)** All livestock or poultry shipped or in any manner transported or moved into Iowa shall be accompanied by an official health certificate or permit or both when required which must be attached to the waybill or shall be in possession of the driver of the vehicle or the person in charge of the animals.

**3.2 (163) Official Health Certificate.**

**3.2 (1)** An official health certificate is a legible record accomplished on an official form of the state of origin, issued by an accredited veterinarian and approved by the livestock sanitary official of the state of origin; or an equivalent form of the United States department of agriculture issued by a federally employed veterinarian.

**3.2 (2)** A copy of the health certificate shall be forwarded immediately to the livestock sanitary official of the state of origin for approval and transmittal.

**3.2 (3)** Health certificates on swine shall not be valid more than forty-eight hours from date of inspection. Certificates on all other livestock and poultry shall not be valid more than thirty days from date of inspection.

**3.3 (163) Permits.**

**3.3 (1)** Requests for permits should be directed to the Division of Animal Industry, State House, Des Moines, Iowa 50319. Day and night phone number 515-281-5547.

**3.3 (2)** All animals and poultry entering the state of Iowa under permit shall be consigned to a corporation or an individual who is a legal resident of the state of Iowa or to a legal agent authorized by law to do business within the state.

**3.3 (3)** All permits shall be valid for one shipment only and will be void fifteen days after date of issuance.

**3.4 (163) Cattle.**

**3.4 (1)** Apparently healthy cattle of any class may be consigned to public stockyards or a slaughtering establishment under federal inspection, or to a livestock market or a slaugh-

tering establishment jointly approved by the Iowa department of agriculture and the United States department of agriculture when accompanied by an official certificate, waybill or a signed owners certificate, stating:

- a. Destination of livestock
- b. Purpose of movement
- c. Number of animals
- d. Point of origin
- e. Name and address of consignor.

**No tests required.**

**3.4 (2) Scabies.** Cattle originating from herds or areas under quarantine for cattle scab will not be admitted.

**3.4 (3) Tuberculosis.** Cattle of all classes may enter the state of Iowa when originating from a tuberculosis modified accredited area from a herd not under quarantine, or meet one of the following requirements:

- a. Originate from a negative herd tested within twelve months prior to entry, showing date of herd test.
- b. Negative tuberculin test applied within thirty days prior to entry.

**3.5 (163) Brucellosis—Cattle.**

**3.5 (1)** Same as federal requirements for the interstate movement with the following additions: All brucellosis tests of cattle shall be conducted by state or federal laboratories, or by approved laboratories under the direct supervision of the livestock sanitary official of the state of origin. All cattle regardless of breed, entering with negative brucellosis test will be subject to quarantine to be retested for brucellosis no sooner than thirty days nor later than sixty days from date of last test.

**3.5 (2)** No test required but waybill or health certificate necessary for the following classes:

- a. Cattle going direct for immediate slaughter to our approved slaughter establishment.
- b. Cattle going direct to a public stockyard or to a state-federal approved livestock market.

**3.5 (3)** Steers and spayed heifers must be accompanied by a health certificate or permit, and no test required.

**3.5 (4) Cattle for Dairy and Breeding Purposes.**

Cattle for dairy and breeding purposes may enter from a herd not under quarantine, accompanied by an official health certificate from the state of origin, showing individual identity of all animals. All female cattle born after July 1, 1963 having reached the age of nine months must have been officially vaccinated for brucellosis prior to entry. Such vaccination meeting all brucellosis requirements for entry until the animal reaches the age of thirty months.

- a. Dairy type females and bulls under eight months of age may enter on a health certificate. (No test or permit required).

b. All females over thirty months of age, bulls over eight months of age (including brucella vaccinates) and females born before July 1, 1963, when not official vaccinates under thirty months of age must meet one of the following requirements:

(1) Originate from a certified brucellosis free herd, showing date of last test and herd certification number.

(2) Originate from negative herds in modified certified areas providing the entire herd of origin has passed a negative test within twelve months prior to entry, date of test to be shown on health certificate.

(3) Proved negative to a brucellosis test conducted within thirty days prior to entry.

**3.5 (5) Feeding or grazing**—Female cattle of recognized beef type, under twenty-one months of age may enter under feeder quarantine for a period not to exceed twelve months (no test, but official certificate and a permit required). Steers and spayed heifers, official certificate or permit required. Note: Springer heifers or heifers with calves by side will not be admitted for feeding or grazing purposes. Such cattle shall be classified as breeding cattle and meet the requirements as set forth above, 3.5 (4).

**3.5 (6)** However, female calves admitted for feeding or grazing purposes, if officially vaccinated at private expense, may be released from feeder quarantine for brucellosis.

### **3.6 (163) Dogs.**

**3.6 (1)** All dogs shall be accompanied by a health certificate. Dogs four months of age or older must be vaccinated for rabies by one of the following methods:

a. Modified live virus vaccine (chick embryo origin) not more than two years prior to entry.

b. Killed virus vaccine (caprine origin) not more than one year prior to entry.

**Exceptions:** Dogs for exhibition and performing dogs entering for a limited period of time.

### **3.7 (163) Goats.**

**3.7 (1)** Goats for dairy and breeding purposes may enter the state when meeting the following requirements:

a. Originate from a herd not under quarantine.

b. Proved negative to a brucellosis test conducted within a thirty-day period prior to entry.

c. Originate from a Tuberculosis modified accredited area, or meet one of the following requirements:

(1) Originate from a negative herd tested within twelve months prior to entry, showing date of herd test.

(2) Negative tuberculin test applied within thirty days prior to entry.

### **3.8 (163) Horses, Mules and Asses.**

**3.8 (1)** Official health certificate showing freedom from disease.

### **3.9 (163) Sheep.**

**3.9 (1)** All sheep entering the state of Iowa for breeding or feeding purposes shall be accompanied by a permit and a health certificate.

a. All sheep must have been dipped in an approved dip within ten days prior to entry, unless originating in states or areas designated as scab-free by the ADE-USDA and qualifying under para. 1 or 2 below:

(1) Moved direct from point of origin to point of destination, without being diverted enroute, or

(2) Enter Iowa through public stockyards under federal supervision, provided the identity of the animals is maintained and they are handled separate and apart from sheep originating in scab-infested areas or sheep of unknown origin.

b. *Slaughter*—Sheep can enter the state of Iowa when consigned direct for immediate slaughter to an approved slaughter establishment under federal supervision no dipping required.

c. *Scrapie*—Sheep from premises where scrapie has been known to exist within the last forty-two months or sheep from flocks under surveillance for scrapie will not be admitted into Iowa.

### **3.10 (163) Swine.**

**3.10 (1)** Interstate movement shall meet all federal requirements. Swine that have been fed raw garbage will not be admitted into Iowa for any purpose, except for immediate slaughter to a slaughtering establishment under federal inspection and in compliance with federal requirements for interstate shipment. Swine for feeding and breeding not immunized for hog cholera may enter only when meeting federal regulations.

**3.10 (2)** Slaughter swine may enter without health certificate when consigned directly to a public stockyard, or slaughter establishment under federal supervision, or when sold or consigned to an assembly station which must move the swine directly to slaughter.

### **3.10 (3) Breeding or feeding:**

a. Health certificate including a statement by a qualified veterinarian that the swine have been inspected within forty-eight hours prior to entry and found healthy.

b. Hog-cholera vaccination required under one of the following methods:

(1) Killed or inactivated hog-cholera vaccine not less than twenty-one days nor more than six months prior to entry.

(2) Modified live virus and anti-hog-cholera serum, not less than twenty-one days nor more than one year prior to entry.

(3) Modified live virus and anti-hog-cholera serum immunized less than twenty-four hours, to be in transit not more than forty-eight hours to point of destination.

c. All swine imported for breeding or feeding purposes not having been vaccinated twenty-one days or more prior to entry shall

be vaccinated and quarantined on purchaser's premises, and shall be maintained separate and apart from all other swine for a period of twenty-one days from date of vaccination.

d. The swine shall be identified by an ear tag affixed to either ear, bearing a number and the state of origin.

**Exceptions:**

(1) Registered swine for exhibition or breeding purposes.

(2) Swine for the manufacture of biological products.

(3) Swine for immediate slaughter.

e. *Brucellosis*—All breeding swine four months of age and over must meet one of the following requirements:

(1) Negative to brucellosis test conducted by an official laboratory of the state of origin within thirty days of entry.

(2) Originate from a validated brucellosis-free herd, tested within twelve months prior, the health certificate shall include the certificate herd number and date of last test.

**3.11 (163) Poultry.** Poultry hatching eggs, baby chicks or turkey poults must be accompanied by an official health certificate from the state of origin.

**3.11 (1) Chickens.**

a. All poultry hatching eggs or baby chicks must originate from flocks or hatcheries that have a pullorum-typhoid clean rating given by the official state agency of the national poultry improvement plan or other state agency of the state of origin and so stated on the health certificate.

b. All boxes, crates and containers shall be new or disinfected before being used to move poultry into the state of Iowa, and identified with a label co-operating in the national poultry improvement plan or other official state agency.

**3.11 (2) Turkeys.**

a. No turkeys shall be imported for breeding purposes and no turkey eggs shall be imported for hatching purposes unless they originate from a flock that has been tested annually and can be classified as follows:

(1) Pullorum-typhoid clean as provided by the national turkey improvement plan or other official state agency.

(2) *Salmonella typhimurium* tested and no reactor found.

(3) *Mycoplasma gallisepticum* tested and no reactor found.

b. No person shall import turkeys or turkey eggs for breeding or hatchery purposes unless such turkeys or turkey eggs comply with the requirements of this section.

c. All turkeys or turkey poults and turkey eggs imported into Iowa shall be accompanied by a certificate signed by the chief livestock official of the state of origin certifying that such turkeys, turkey poults, or turkey eggs are from flocks complying with this regu-

lation or an equivalent program of the state or origin.

**3.11 (3)** Health certificate or permits will not be required for the importation of poultry for immediate slaughter.

DAIRY AND FOOD DIVISION

CHAPTER 4

FOOD RULES

**4.1 (159)** In the case of loaf bread where the plain or stock wrapper is used an insert slip, three by six inches, may be used, provided it is so placed as to be plainly visible through the wrapper, and the printing thereon must have the approval of the department.

**4.2 (159)** Unwrapped bread retailed at its place of manufacture is not considered by the department as food sold in package form, but it must be labeled as to its net weight either with a placard or on the container. Unwrapped bread and other bakery products may be transported to a place other than the place of manufacture provided the bread and other bakery products are transported in cabinets or other containers that are clean, sanitary and have tight closures to protect the bread or other bakery products from dust, dirt and contamination.

**4.2 (1)** The bread and other bakery products may be displayed for sale at places other than their place of manufacture unwrapped, providing they are displayed in cases that are clean, sanitary and have closures affixed thereto and that the labeling requirements are complied with.

[Filed December 6, 1962]

**4.3 (159)** Benzoate of soda, in quantities not exceeding one-tenth of one percent, may be added to foods. The addition of benzoate of soda shall be plainly stated on the label of each package.

**4.4 (159)** The department rules that a quart of strawberries shall weigh at least twenty ounces, with a reasonable tolerance of not more than one ounce under, when the quart box is well filled.

**4.5 (159)** The word "Ham", except when prefixed by a word or words indicating the thigh of some other animal, shall be considered as applied only to the thigh of a hog prepared for food, and must not be used in connection with the sale of a pork shoulder.

**4.6 (159)** The state department of agriculture adopts the standards proclaimed by the United States department of agriculture pertaining to meats and meat products.

**4.7 (159)** All metal ice cream containers in addition to being thoroughly washed, must be lined with a parchment paper liner before being filled.

CHAPTER 5

DRESSINGS FOR FOODS

[Filed September 2, 1952]

**5.1 (190) French Dressing.** French dressing is the separable liquid food or the emulsified

viscous fluid food prepared from and containing not less than thirty-five percent by weight of edible butter oil or vegetable oil and one or both of the acidifying ingredients specified in paragraph 5.1 (1) hereof. One or both of the optional emulsifying ingredients specified in paragraph 5.1 (2) hereof may be added provided, however, that the quantity thereof shall be not more than seventy-five hundredths of one percent by weight of the finished French dressing. It may be seasoned or flavored with any one or more of the ingredients specified in paragraph 5.1 (3) hereof.

**5.1 (1) Acidifying ingredients:**

a. Any vinegar or any vinegar diluted with water, or any such vinegar or diluted vinegar mixed with the additional optional acidifying ingredient, citric acid, but in any such mixture the weight of citric acid is not greater than twenty-five percent of the weight of the acids of the vinegar or diluted vinegar calculated as acetic acid. For the purpose of this paragraph, any blend of two or more vinegars is considered to be a vinegar.

b. Lemon juice or lime juice or both or any such juice in frozen, canned, concentrated, or dried form, or any one or more of these diluted with water.

**5.1 (2) Optional emulsifying ingredients:**

a. Gum acacia (also called gum arabic), carob bean gum (also called locust bean gum), guar gum, gum karaya, gum tragacanth, extract of Irish moss, pectin, propylene glycol-ester of alginic acid, sodium carboxymethylcellulose, or any mixture of two or more of these.

b. Liquid egg yolks, frozen egg yolks, liquid whole eggs, frozen whole eggs, or any one or more of these with liquid egg white or frozen egg white. For the purpose of this paragraph, the quantity of egg-yolk-containing ingredients is calculated as the weight of the egg-yolk-solids contained therein.

**5.1 (3) Seasoning or flavoring:**

a. Salt

b. Sugar, dextrose, corn sirup, invert sugar sirup, nondiastatic maltose sirup, glucose sirup, honey. The foregoing sweetening ingredients may be used in sirup or dried form.

c. Mustard, paprika, other spice, or spice oil or spice extract.

d. Monosodium glutamate.

e. Any suitable, harmless food seasoning or flavoring (other than imitations).

f. Tomato paste, tomato puree, catsup, sherry wine.

**5.2 (190) Mayonnaise Dressing.** Mayonnaise dressing is the emulsified semisolid food prepared from edible butter oil or vegetable oil; one or both of the acidifying ingredients specified in paragraph 5.1 (1) of rule 5.1 (190), except that if under (a) thereof vinegar diluted with water is used, it shall be to an acidity, calculated as acetic acid, of not less than two and one-half percent by weight, and if an ingredient or ingredients specified under (b) thereof be used diluted with water, it shall be to an acidity, calculated as citric acid, of not

less than two and one-half percent by weight; and one or more of the egg-yolk-containing ingredients specified under paragraph 5.1 (2) (b) of rule 5.1 (190). Mayonnaise dressing may be seasoned or flavored with any one or more of the seasonings and flavoring ingredients specified in paragraph 5.1 (3) of rule 5.1 (190), except that no turmeric or saffron is used and no spice oil or spice extract is used which imparts to the dressing a color simulating the color imparted by egg yolk, and except (f) thereof.

**5.3 (190) Salad Dressing.** Salad dressing is the emulsified semisolid food prepared from edible butter oil or vegetable oil; one or both of the acidifying ingredients specified in paragraph 5.1 (1) of rule 5.1 (190); one or more of the egg-yolk-containing ingredients specified in paragraph 5.1 (2) (b) of rule 5.1 (190), and a cooked or partly-cooked starchy paste prepared with a food starch, tapioca flour, wheat flour, rye flour, or any one or more of these; in the preparation of such starchy paste, water may be added. One or more of the optional emulsifying ingredients specified in (a) of paragraph 5.1 (2) of rule 5.1 (190) may be added. Salad dressing may be seasoned or flavored with any of the ingredients specified in paragraph 5.1 (3) of rule 5.1 (190), except that no turmeric or saffron is used and no spice oil, spice extract, or any other seasoning or flavoring is used which imparts to the salad dressing a color simulating the color imparted by egg yolk, and except (f) thereof.

**5.4 (190) Labeling of Dressings.** When the additional optional acidifying ingredient as authorized in paragraph 5.1 (1) of rule 5.1 (190) is used, the label shall bear the statement "Citric acid added" or "With added citric acid" and where an optional emulsifying ingredient specified in (a) of paragraph 5.1 (2) of rule 5.1 (190) is used, the label shall bear the statement "..... added" or "With added .....", the blank being filled with the common name or names of the emulsifying ingredient or mixture of the emulsifying ingredients used. The statement showing the optional ingredients present shall conspicuously appear preceding or following the name of the dressing without intervening written, printed or graphic matter.

These regulations shall become effective on October 1, 1952.

## CHAPTER 6

### PRODUCTION AND SALE OF EGGS

[Filed January 11, 1966]

[Effective January 11, 1966]

Pursuant to the authority of section 159.5, subsection 10, of the Code, the Rules 1, 2, 3, 4 and 5 that appears in 1962 IDR page 31 are rescinded and the following adopted in lieu thereof:

#### 6.1 (196) Definitions.

**6.1 (1)** The department shall construe the meaning of the word "processor" as contained in section 196.3 to be a person who stores eggs intended only for conversion to liquid, frozen

or dried form or who converts eggs to liquid, frozen or dried form.

6.1 (2) "Eggs unfit for human food" are described in the U.S. Standards and Grades of Eggs as follows:

*Loss.* An egg that is inedible, smashed, or broken so that the contents are leaking, cooked, frozen, contaminated, or containing bloody whites, large blood spots, large unsightly meat spots, or other foreign material.

*Inedible eggs.* Eggs of the following descriptions are classed as inedible: Black rots, white rots, mixed rots (addled eggs), sour eggs, eggs with green whites, eggs with stuck yolk, moldy eggs, musty eggs, eggs showing blood rings, eggs containing embryo chicks (at or beyond the blood stage), and any eggs that are adulterated as such term is defined pursuant to the Federal Food, Drug, and Cosmetic Act.

[Implementing section 196.3]

6.2 (196) License.

6.2 (1) Each person or firm operating at more than one location must provide a list of all locations when applying for a license. Each subsidiary plant will be furnished a copy of the original license.

[Implementing section 196.4]

6.3 (196) Producers and Hatcheries Exempted.

6.3 (1) Hatcheries exempted under this Section handling eggs to be used for hatching purposes, shall clearly identify such eggs by marking the ends of each case clearly with the words "Eggs for Hatching" in letters a minimum of one-half inch in height.

6.3 (2) Producers selling to anyone other than direct to consumers must obtain a license as required in section 196.4. Institutions,

restaurants, schools, or any other business, facility or place in which eggs are prepared or offered for food for use by its patrons, residents, inmates or patients shall not be deemed to be consumers. (See Section 196.14).

[Implementing section 196.5]

6.4 (196) Retailers Exempted.

6.4 (1) There is no requirement in the Iowa Code for egg retailers or egg dealers to furnish bond.

[Implementing section 196.9]

6.5 (196.12) Candling and Grading Required.

6.5 (1) Eggs to be resold other than as manufactured eggs may be candled and graded by other than first buyer providing producer identity is retained. (See Section 196.15, Records Required)

[Implementing section 196.12]

6.6 (196) Candling and Grading Room.

6.6 (1) The department survey shall include an examination of and evaluation of the lighting of the room, the type of equipment being used, volume of eggs handled, the candling and grading procedures and the adequacy of personnel and equipment to handle the volume of eggs to be candled or graded. General sanitation must reflect that an edible product is being handled.

[Implementing section 196.13]

6.7 (196) Grades.

6.7 (1) The United States Standards for Consumer Grades and Weight Classes for shell eggs shall be the standards of grade requirements for Iowa. These grades shall include AA, A, and B. Sizes shall be Jumbo, Extra Large, Medium, Small and Peewee.

[Implementing section 196.14]

TABLE 1—SUMMARY OF IOWA CONSUMER GRADES FOR SHELL EGGS

Iowa Consumer Grade	At least 80 percent (lot average) <sup>1</sup> must be	Tolerance Permitted <sup>2</sup>	
		Percent	Quality
Grade AA or Fresh Fancy Quality	AA Quality.	15 to 20 . . . . . Not over 5 <sup>3</sup>	A. B, C, or Check.
Grade A . . . . .	A Quality or better.	15 to 20 . . . . . Not over 5 <sup>3</sup>	B. C. or Check. C.
Grade B . . . . .	B Quality or better.	10 to 20 . . . . . Not over 10 <sup>3</sup>	Dirty or Check.

1. In lots of two or more cases or cartons, see table 2 of this section for tolerances for individual case or carton within a lot.  
 2. Within tolerance permitted, an allowance will be made at receiving points or shipping destination for 1/2 percent leakers in Grades AA, A, and B.  
 3. Substitution of higher qualities for the lower qualities specified is permitted.

TABLE 2—TOLERANCE FOR INDIVIDUAL CASE OR CARTON WITHIN A LOT

Iowa Consumer Grade	Case—minimum quality — percent <sup>1</sup>	Carton—minimum quality — number egg <sup>1</sup>
Grade AA or Fresh Fancy Quality	70% AA . . . . . 20% A . . . . . 10% B, C or Check.	8 eggs AA. 2 eggs A. 2 eggs B, C or Check.
Grade A . . . . .	70% A . . . . . 20% B . . . . . 10% C or Check.	8 eggs A. 2 eggs B. 2 eggs C or Check.
Grade B . . . . .	70% B . . . . . 10% C . . . . . 20% Check or Dirty.	8 eggs B. 2 eggs C. 2 eggs Check or Dirty.

1. Substitution of higher qualities for lower qualities specified is permitted.

TABLE 3—IOWA WEIGHT CLASSES FOR CONSUMER GRADES FOR SHELL EGGS

Size or Weight class	Minimum net weight per dozen	Minimum net weight per 30 dozen	Minimum weight for individual eggs at rate per dozen
	OUNCES	POUNDS	OUNCES
Jumbo	30	56	29
Extra Large	27	50½	26
Large	24	45	23
Medium	21	39½	20
Small	18	34	17
Peewee	15	28	—

**6.8 (196) Records Required.**

6.8 (1) The first licensed buyer or the person candling eggs for the first licensed buyer, shall keep a daily record of the number of eggs received from each producer that are to be candled or candled and graded. Such records are to be kept for a period of six months and shall be available for inspection by a duly authorized representative of the Department of Agriculture.

[Implementing section 196.15]

**6.9 (196) Certificate.**

6.9 (1) Eggs moving from an egg-grading plant to a processor must have stamped on the ends of each case the grade and the name and address or code number of firm doing such grading. All previous labels on case shall be defaced before applying new label.

6.9 (2) The words "eggs that are being processed by a processor" shall be construed by the department to mean the eggs received from producers by firms actually engaged in breaking eggs for liquid, frozen or dried products, at the same establishment where the said eggs are received.

[Implementing section 196.16]

CHAPTER 7  
DAIRY RULES

7.1 (194) The department recognizes the Babcock test or the Gerber test as an approved method of testing milk or cream for milk-fat, and other dairy products as specified in Standard Methods for the Examination of Dairy Products (11th Edition). Said publication is hereby incorporated into this rule by this reference and made part thereof insofar as applicable, a copy of which is on file with the secretary of state.

[Filed November 28, 1962]

7.2 (194) The following makes of guaranteed test bottles and pipettes are approved by the department for universal use in Iowa: The Nafis, the Kimball, and the Wagner. All test bottles should be graduated to the half point.

7.3 (194) All persons using the Babcock test or the Gerber test shall retain within the premises an exact copy of all transactions and all appliances where the test is used, as well as samples of all milk and cream tested, properly labeled so that a representative of the department, by testing said samples with said appliances can check the cream bought with

the cream on hand and thereby verify the test given in each transaction, both copies and cream samples must be held until 6:00 p.m. of the second day following the application. When Sundays or legal holidays intervene, the samples shall be held one additional day. When considered necessary, the department may require any sample held for a longer period.

[Amended November 28, 1962]

**7.4 (194)** All stations shall be equipped with test bottles graduated to the half point and all cream testing should be read to the half point.

**7.5 (194)** The examination for a tester's license must be approved by the department.

**7.6 (194)** When cream stations are conducted in connection with a produce house, garage, oil station, barber shop, tire shop, cigar factory, shoe repair shop, harness shop, or other businesses that have objectionable odors or material contaminating factors, the stations must be partitioned off by a dust-proof tight wall, with outside light and ventilation.

**7.7 (194)** No common carrier or other person shall transport any crate of poultry or similar dirt distributing packages on top of milk or cream cans.

**7.8 (194)** The handling of hides, furs, live poultry or other articles that might contaminate are prohibited in cream rooms, or any room where food is prepared or handled.

**7.9 (194)** In case where a flavor is added to a milk or skimmed milk drink or compound, it is not considered by the department as violating section 190.5 of the 1950 Code, when the fat of said flavor does not exceed one-half of one percent of the whole and said compound is labeled as required by section 189.11 of the 1950 Code of Iowa.

**7.10 (194)** Standards for the production, processing, and distribution for grade "A" pasteurized, pasteurized (grade not declared) and grade "A" raw milk shall conform to United States public health service recommended milk ordinance and Code, 1953 edition, which is hereby incorporated into this rule by this reference and made a part thereof insofar as applicable; a copy of which is on file with the secretary of state.

[Filed November 28, 1962]

**7.11 (194)** A rating of ninety percent or more calculated according to the rating system as contained in public health service Publication No. 678, "Methods of Making Sanitation Ratings of Milk Sheds", shall be necessary to receive or retain a grade "A" certification under chapter 192. Said publication is hereby incorporated into this rule by this reference and made a part thereof insofar as applicable; a copy of which is on file with the secretary of state.

[Filed November 28, 1962]

**7.12 (194)** Evaluation of methods and reporting of results for approval of a laboratory shall be based on procedures and tests contained in Standard Methods for the Examination of Dairy Products (11th Edition) and

Methods of Analysis of the Association of Official Agricultural Chemists (9th Edition). Said publications are hereby incorporated into this rule by this reference and made a part thereof insofar as applicable; a copy of each being on file with the secretary of state.

[Filed November 28, 1962]

#### MANUFACTURING MILK

##### 7.13 (194) [Section 4] Legal Milk.

**7.13 (1)** All milk delivered to a creamery, cheese factory or milk processing plant shall be subject to an examination, as provided in chapter 194, which shall be made at the plant if delivered in separate containers or before mixing with other milk collected in a bulk tank container and the examination shall be made by a licensed grader.

**7.13 (2)** Every creamery, cheese factory or milk processing plant which gathers its milk by a bulk tank vehicle whether operated by an independent contractor or otherwise, shall provide for a licensed grader in the operation of said bulk tank and for examination of said milk by the grader upon receipt thereof at the bulk tank.

**7.13 (3)** The common change occurring in milk is the development of acidity, causing an acid flavor and odor, or even complete or partial coagulation. Other undesirable changes include sweet curdling, ropiness, gassiness, and abnormal flavors, odors and colors. All milk showing any of these defects or any other defect, must be rejected.

**7.13 (4)** The presence of any insect in milk shall be sufficient cause for rejection.

##### 7.14 (194) [Section 5] New Producers.

**7.14 (1)** A "new producer" is a person selling milk for the first time who, therefore, has not previously produced milk under this Act. A person who formerly produced farm separated cream and is now selling, for the first time, whole milk for manufacturing purposes is considered a new producer. Similarly a producer who previously supplied Grade "A" milk, or sold milk in another state not reciprocating on quality transfers and offering manufacturing milk for sale in the state of Iowa for the first time, shall be classified as a new producer. A new producer is also one who has not offered manufacturing milk for sale since the enactment of this Milk Grading Law on July 4, 1959.

**7.14 (2)** A licensed milk grader must examine, smell and taste the first lot of milk purchased from a new producer. This milk must also be tested immediately for extraneous matter or sediment content. However, it is not necessary to subject the milk of the new producer on the first delivery to a bacterial quality test. A test of this nature, however, must be made on a properly collected sample from this producer within fifteen days thereafter.

**7.14 (3)** If the sediment disc on the can of milk selected for test shows sediment in excess of 2.50 mg., all cans in the shipment shall be



tested for sediment content in the same manner. Any milk showing sediment in excess of 2.50 mg. shall be rejected by the creamery, cheese factory or milk processing plant and not used for human consumption.

**7.15 (194) [Section 6] Bacterial Tests and Classes.**

**7.15 (1)** To clarify some of the difficulties that may be encountered when attempting to express the results of these tests, the following explanations are presented:

**7.15 (2) Class I Milk.**

*a.* Resazurin test: Color of dye-milk mixture not reduced beyond 5 P 7/4 in two and three-fourths hours. Methylene blue test: Color of dye-milk mixture not reduced in five and one-half hours. The direct microscopic (clump) count or standard plate count was 200,000 per milliliter or less.

**7.15 (3) Class II Milk.**

*a.* Resazurin test: Color of dye-milk mixture not reduced beyond 5 P 7/4 in one and one-half hours, but reduced beyond 5 P 7/4 in two and three-fourths hours. Methylene blue test: Color of dye-milk mixture not reduced in two and one-half hours, but reduced in five and one-half hours.

*b.* The direct microscopic (clump) count or standard plate count was more than 200,000 but not more than 3,000,000 per milliliter.

**7.15 (4) Class III Milk (Probationary Milk).**

*a.* Resazurin test: Color of dye-milk mixture reduced beyond 5 P 7/4 in more than three-fourths hour, but less than one and one-half hours. Methylene blue test: Color of dye-milk mixture reduced in more than one hour, but less than two and one-half hours.

*b.* The direct microscopic (clump) count or standard plate count was over 3,000,000 per milliliter.

**7.16 (194) [Section 8] Testing and Exclusion of Class III Milk.**

**7.16 (1)** If a producer desires to change to another plant or factory, it is required that his first shipment of milk be accompanied by a written quality release form from his former purchaser. This quality release form must be requested by the producer in person or in writing from the manager of the plant previously purchasing his milk. (Plant being asked for quality release shall give it to person with written order or deliver to producer making the request.)

**7.16 (2)** If the quality release form of this producer shows that his last test for bacterial quality indicated Class 3 milk, the new purchaser must then test his first shipment of the transferring producer's milk by:

*a.* Organoleptic grading (physical appearance, taste and smell).

*b.* Sediment or extraneous matter.

*c.* An estimate of bacterial quality must be run within seven days from the last test date entered on the transfer form.

**7.16 (3)** In other words, his previous record of bacterial quality is transferred with him. For example, if a producer has had two consecutive Class 3 bacterial estimates at one plant and then decides to sell his milk to another plant, he may not start as a new producer without previous history. This section requires that his milk be tested for four consecutive weeks if he has not improved the quality of his milk during this period. Upon transferring to a new plant, the next bacterial test is entered on his record as the third of the four required tests.

**7.16 (4)** If the fourth consecutive test is still Class 3, this producer's milk may not be purchased by any plant for human consumption. The plant refusing this milk is required to notify the area resident inspector of the dairy and food division of the Iowa department of agriculture, immediately, in writing.

**7.17 (194) [Section 9] Unlawful Milk.**

**7.17 (1)** Four weekly Class 3 bacterial tests make rejection compulsory and said milk shall not be accepted thereafter by any plant or creamery until authorized by the secretary of agriculture.

**7.18 (194) [Section 11] Price Differential.**

**7.18 (1)** All producers are to be treated equally.

**7.19 (194) [Section 20] Penalties for Plants and Producers.**

**7.19 (1)** The scope of this section is broad, covering all plant employees, operators and milk haulers.

**7.19 (2)** A producer selling milk to a new purchaser without first obtaining a quality release from the former buyer, would be an example of noncompliance with the law and these rules.

[Effective March 11, 1964]

[Filed March 11, 1964]

CHAPTER 8

AGRICULTURAL SEEDS

[Filed and indexed June 7, 1962]

**8.1 (199)** The term "agricultural seeds" shall mean, in addition to those listed in section 199.1 (2), all such seeds listed in section 201.2 (h) Rules and Regulations, Federal Seed Act of August 9, 1939, U. S. department of agriculture, agricultural marketing service, No. 156 and amendments, with the following exceptions:

Alfilaria-Erodium cicutarium (L).

Bluegrass, annual-Poa annua L.

Chess, soft-Bromus mollis L.

Brome, field-Bromus arvensis L.

Hemp-Cannabis sativa L.

Johnson grass-Sorghum halepense (L.)

Mustard-Brassica juncea (L)

Mustard, black-Brassica nigra

Rape, bird-Brassica campestris L.

Rape, turnip-Brassica campestris vars.

Sorghum alnum-Sorghum alnum

Wild-rye, Canada-Elymus canadensis L.

Wild-rye, Russian-Elymus juncea

**8.2 (199)** Seed testing, sampling, and analysis shall be regulated by sections 201.39 to and including 201.63 and 201.65; rules and regulations, federal seed Act, insofar as they do not conflict with Iowa law.

[Amended June 25, 1962]

**8.3 (199) Lawn and Turf Mixtures.** For lawn and turf mixtures the name of the kind or kind and variety of seed components to be named in order of their predominance may be met by naming the kind or kind and variety of seed components in the order of their predominance under the separate headings "Fine Textured Grasses" and "Coarse Kinds." The following shall be named as "Fine Textured Grasses": Colonial bentgrass (*Agrostis tenuis*), creeping bentgrass (*Agrostis palustris*), velvet bentgrass (*Agrostis canina*), Kentucky bluegrass (*Poa pratensis*), rough bluegrass (*Poa trivialis*), wood bluegrass (*Poa nemoralis*), Canada bluegrass (*Poa compressa*), red fescue (*Festuca rubra*), chewing fescue (*Festuca rubra var. commutata*) and sheep fescue (*Festuca ovina*). All other kinds or kinds and varieties must be listed under the heading "Coarse Kinds."

The above rule shall become effective on July 1, 1964, as provided in chapter 66, of the Acts of the 60 General Assembly after filing in the office of the secretary of state, upon approval by the departmental rules review committee.

[Filed September 17, 1963]

**8.4 (199) Definitions.**

**8.4** [(10)] Giant Foxtail—*Setaria Faberi*.  
[Filed September 14, 1965]

**8.5 (199)** Labeling of treated seeds shall be regulated by section 201.31 "a" of the rules and regulations, federal Seed Act, of August 1, 1939, U. S. department of agriculture Consumer and Marketing Service, No. 156 and amendments, insofar as they do not conflict with Iowa Law.

[Filed September 14, 1965]

These rules are intended to implement chapter 199, Code of Iowa, 1962, as amended by House File 317 [ch138], Acts of the Sixtieth General Assembly.

CHAPTER 9

PESTICIDE RULES

[Filed December 2, 1963]

**9.1 (206) Definitions and Standards.**

**9.1 (1)** The following definitions are hereby adopted.

*a.* The term "insecticide" means any substance or mixture of substances intended for preventing, destroying, repelling, or mitigating any insects and related forms which may be present in any environment whatsoever.

*b.* The term "fungicide" means any substance or mixture of substances intended for preventing, destroying, repelling, or mitigating any fungi.

*c.* The term "rodenticide" means any substance or mixture of substances intended

for preventing, destroying, repelling, or mitigating rodents or any other vertebrate animal which the secretary shall designate to be a pest.

*d.* The term "herbicide" means any substance or mixture of substances intended for preventing, destroying, repelling, or mitigating any weed or undesirable plant.

*e.* The term "nematocide" means any substance or mixture of substances intended for preventing, destroying, repelling, or mitigating nematodes or subterranean pests.

*f.* The term "defoliant" means any substance or mixtures of substances intended for causing the leaves or foliage to drop from the plant with or without causing abscission.

*g.* The term "desiccant" means any substance or mixture of substances intended for artificially accelerating the drying of plant tissue.

*h.* The term "nematode" means invertebrate animals of the phylum nemathelminthes and class nematoda, that is, unsegmented round worms with elongated, fusiform, or sac-like bodies covered with cuticle, and inhabiting soil, water, plants or plant parts; may also be called nemas or eelworms.

*i.* The term "insect" means any of the numerous small invertebrate animals generally having the body more or less obviously segmented, for the most part belonging to the class Insecta, comprising six-legged, usually winged forms, as, for example, beetles, bugs, bees, flies, and to other allied classes of arthropods whose members are wingless and usually have more than six legs, as, for example, spiders, mites, ticks, centipedes, and wood lice.

*j.* The term "fungi" means all non-chlorophyll-bearing thallophytes, that is, all non-chlorophyll-bearing plants of a lower order than mosses and liverworts as, for example, rusts, smuts, mildews, molds, yeasts, and bacteria, except those on or in living man or other animals.

*k.* The term "rodent" means any animal of the order Rodentia, including, but not limited to, rats, mice, rabbits, gophers, prairie dogs, and squirrels.

*l.* The term "weed" means any plant which grows where not wanted.

**9.1 (2)** Additional definitions and standards which are consistent and applicable to the pesticide Act shall be those established by the Association of American Pesticide Control Officials.

**9.2 (206) Methods of Analysis.**

**9.2 (1)** The current methods of analysis of the Association of Official Agricultural Chemists of North America shall be adopted as the official methods insofar as they are applicable, and such other methods shall be used as may be necessary to determine whether the product complies with the law.

**9.3 (206) Registration Required.**

**9.3 (1)** No person shall distribute, give, sell, or offer to sell any pesticide which has

not been registered with the department of agriculture.

#### 9.4 (206) Registration of Products.

9.4 (1) Two exact copies of the labeling of each proposed product shall be submitted with the application. Also, there shall be submitted an ingredient statement, which shall comply with the provisions of rule 9.13 herein, the proposed directions for use of the product, and a list of the specific pests, for control of which it is to be sold, if such information is not contained in the labeling. Other pertinent information concerning inert ingredients and physical properties of the product shall also be included on request by the secretary.

#### 9.5 (206) Registration, General Application of.

9.5 (1) A registration of a pesticide is held to apply to the product even though manufactured at or shipped from other than the registered address. When a product has been registered by a manufacturer or jobber, no registration shall be required of other sellers of the product so registered, provided shipments or deliveries thereof are in the manufacturer's or registrant's original, unopened, and properly labeled container.

#### 9.6 (206) Conditional Refusal or Cancellation of Registration, and Registration Under Protest.

9.6 (1) Any of the following causes is sufficient to justify a conditional refusal or cancellation of registration of a product, with notice to the registrant of the manner in which the article, label, or other material fails to comply with the pesticide Act, and with opportunity for the registrant to make necessary corrections before resubmitting the product and the label.

*a.* If the labeling bears any statement, design or graphic representation relative thereto, or to its ingredients, which is false or misleading in any particular;

*b.* If the product is found to be an imitation of, or illegally offered for sale under the name of another pesticide;

*c.* If the labeling bears reference to Iowa registration number;

*d.* If the labeling accompanying the pesticide does not contain directions for use which are necessary and, if complied with, adequate for the protection of the public;

*e.* If the label does not contain a warning or caution statement which may be necessary and, if complied with, adequate to prevent injury to living man and other vertebrate animals;

*f.* If the label does not bear an ingredient statement on that part of the immediate container and on the outside container or wrapper, if there be one, through which the ingredient statement on the immediate container cannot be clearly read under customary conditions of purchase. Provided, however, the secretary may permit the ingredient statement to appear prominently on some other

part of the container, if the size or form of the container makes it impracticable to place it on the part of the retail package which is displayed;

*g.* If any word, statement, or other information required to appear on the label or labeling is omitted or not prominently placed thereon and in such terms as to render it likely to be read and understood under customary conditions of purchase and use;

*h.* If an insecticide, nematocide, antibiotic, bactericide, fungicide or herbicide is found to be injurious to living man or other useful vertebrate animals, or to vegetation (except weeds), to which it is applied or to the person applying such pesticide when used as directed or in accordance with commonly recognized safe practice; or if a plant regulator, defoliant or desiccant when used as directed is found to be injurious to living man or other vertebrate animals or vegetation to which it is applied, or to the person applying such pesticide; provided, however, that physical or physiological effect on plants or parts thereof shall not be deemed to be injurious, when this is the purpose for which the plant regulator, defoliant, or desiccant was applied in accordance with label claims and recommendations;

*i.* If the pesticide is misbranded;

*j.* If the registrant has been guilty of fraudulent and deceptive practices in the evasion or attempted evasion of the pesticide Act or any rules and regulations promulgated thereunder; provided, however, that no registration shall be revoked until the registrant shall have been given an opportunity for a hearing by the secretary or his agent;

*k.* If the registrant upon notice insists that corrections in the article, labeling, or other material as specified are not necessary, and requests in writing that the article be registered, the secretary shall register the article under protest and shall warn the registrant in writing of the apparent failure of the article to comply with the provisions of the pesticide Act and regulations thereunder. In such event the secretary shall publicize the fact through releases to duly recognized mass news media.

#### 9.7 (206) Changes in Labeling or Ingredient Statement.

9.7 (1) Changes in the labeling or ingredient statement in registered pesticides shall be submitted in advance to the secretary for his approval. The registrant must describe the exact change desired and proposed effective date and such other pertinent information that justify such changes. After the effective date of a change in labeling or ingredient statement the product shall be marketed only under the new claims or ingredient statement, except that a reasonable time may be allowed by the secretary for disposal of properly labeled stocks of the old product. Changes in the composition shall not be allowed if such changes would result in a lowering of the product's value as a pesticide.

**9.8 (206) Label Requirements.**

9.8 (1) Each package of pesticide sold separately shall bear a complete label. The label shall contain the name, brand or trade-mark of the product; name and address of the manufacturer, registrant or person for whom manufactured; directions for use which are necessary and if complied with, adequate for protection of the public; statement of net content in terms of weight or measure in general use; and an ingredient statement. The label of every pesticide, if necessary to prevent injury to man, other animals, and useful vegetation, must contain a warning or caution statement, in nontechnical language based on the hazard involved in the use of the pesticide. In addition, any pesticide highly toxic to man shall be labeled with a skull and cross-bones and with the word "poison" prominently in red on a background of distinctly contrasting color; the first-aid antidote for the poison shall be given and instructions for safe disposal of containers. Note: Products subject to deterioration may bear on their label a statement such as "not to be sold or used after . . . date . . ." The use of such a statement, however, in no way relieves the manufacturer of his responsibility for label claims.

**9.9 (206) Directions for Use—When Necessary.**

9.9 (1) Directions for use are required whenever they are necessary for the protection of the public. The public includes not only users of pesticides but also those who handle them or may be affected by their use, handling, or storage. Directions for use are considered necessary in the case of most small retail containers which go into the hands of users, and in the case of larger containers with the following exception:

a. Directions may be omitted if the pesticide is to be used by manufacturers in their regular manufacturing processes; Provided: The label clearly shows that the product is intended for use only in manufacturing processes, and bears an ingredient statement giving the name and percentage of each of the active ingredients.

**9.10 (206) Other Claims.**

9.10 (1) No claim shall be made for products in any written, printed or graphic matter accompanying the product at any time which differ in substance from written representations made in connection with registration.

**9.11 (206) Name of Product.**

9.11 (1) The name of the product shall appear on the labeling so as not to emphasize any one ingredient, or otherwise be misleading. It shall not be arranged on the label in such a manner as to be confused with other terms, trade names, or legends.

**9.12 (206) Brand Names, Duplication Of, or Infringement On.**

9.12 (1) A brand name is distinctive with reference to the material to which it applies and the registration of a pesticide under the

same brand name by two or more manufacturers or shippers should be denied or refused. This principle applies also to the registration of brand names so similar in character as to be likely to be confused by the purchaser. In the event the same name or a closely similar one is offered by another manufacturer, the secretary may decline the said name a second time, for registration unless required to do so by an order of court.

**9.13 (206) Ingredient Statement.****9.13 (1) Location of ingredient statement.**

The ingredient statement must appear on that part of the label displayed under customary conditions of purchase except in cases where the secretary determines that, due to the size or form of the container, a statement on that portion of the label is impractical, and permits such statement to appear on another side or panel of the label. When so permitted, the ingredient statement must be in larger type and more prominent than would otherwise be possible. The ingredient statement must run parallel with other printed matter on the panel of the label on which it appears and must be on a clear contrasting background not obscured or crowded.

9.13 (2) *Names of ingredients.* The well-known common name of the ingredient must be given or, if the ingredient has no common name, the correct chemical name. If there is no common name and the chemical composition is unknown or complex, the secretary may permit the use of a new or coined name which he finds to be appropriate for the information and protection of the user. If the use of a new or coined name is permitted, the secretary may prescribe the terms under which it may be used. A trade-mark or trade name may not be used as the name of an ingredient except when it has become a common name.

9.13 (3) *Percentages of ingredients.* Percentages of ingredients shall be determined by weight and the sum of the percentages of the ingredients shall be one hundred. Sliding scale forms of ingredient statements shall not be used.

**9.13 (4) Designation of ingredients.**

a. Active ingredients and inert ingredients shall be so designated, and the term "inert ingredient" shall appear in the same size type and be equally as prominent as the term "active ingredients."

b. If the name but not the percentage of each active ingredient is given, the names of the active and inert ingredients shall, respectively be shown in the descending order of the percentage of each present in each classification and the name of each ingredient shall be given equal prominence.

9.13 (5) *Active ingredient content.* As long as a pesticide is subject to the Act the percentages of active ingredients declared in the ingredient statement shall be the percentages of such ingredients in the pesticide.

**9.14 (206) Net Contents.**

**9.14 (1)** Each package of pesticide shall show the net weight or measure of content, either stenciled or printed on the package or container, or on a tag attached thereto. Indefinite statements of content such as "...oz. when packed" shall not be used. Statements of liquid measure, or of specific gravity or density of liquid preparations, or expression of composition in terms of pounds per gallon, shall be made on the basis of 68°F. (20°C.) except when other basis has been established through trade custom.

**9.15 (206) Coloration of Highly Toxic Materials.**

**9.15 (1)** The white powder pesticides hereinafter named shall be colored or discolored in accordance with this section. Provided, however, that any such white powder pesticide which is intended solely for use by a textile manufacturer or commercial laundry, cleaner, or dyer as a moth-proofing agent, which would not be suitable for such use if colored and which will not come into the hands of the public except when incorporated into a fabric, shall not be required to be so colored or discolored in accordance with this section. The hues, values, and chromas specified are those contained in the Munsell Book of Color, Munsell Color Company, 10 East Franklin Street, Baltimore, Maryland.

*a.* The coloring agent must produce a uniformly-colored product not subject to change in color beyond the minimum requirements during ordinary conditions of marketing and storage and must not cause the product to become less effective or cause damage when used as directed or in accordance with commonly recognized safe practice.

*b.* Standard lead arsenate, basic lead arsenate, calcium arsenate, magnesium arsenate, zinc arsenate, zinc arsenite, and barium fluosilicate shall be colored any hue, except the yellow-reds and yellows, having a value of not more than eight or a chroma of not less than four, or shall be discolored to a neutral lightness value not over seven.

*c.* Sodium fluoride and sodium fluosilicate shall be colored blue or green having a value of not more than eight and a chroma of not less than four, or shall be discolored to a neutral lightness value not over seven.

*d.* Others. Other white powder pesticides may be required to be colored or discolored after investigation and public hearing.

*e.* The secretary may permit other hues to be used for any particular purpose if the prescribed hues are not feasible for such purposes, and if such action will not be injurious to the public.

*f.* The coloration requirements above shall apply to the materials named therein, and not to nonhighly toxic mixtures consisting of other ingredients with highly toxic materials.

**9.16 (206) Illegal Acts.**

**9.16 (1)** All pesticides, whether registered

or not, sold or offered for sale shall comply with the provisions of section 206.3, subsection 1 of the pesticide Act.

*a.* The secretary shall examine pesticides from time to time, and if it appears at any time that a pesticide fails to comply with any provision of the pesticide Act, notice may be given to the manufacturer or seller thereof and an opportunity to present his views either orally or in writing about the alleged violation. If it then appears that the provisions of this Act have been violated, a statement of the facts may be sent to the county attorney in the county in which the violation occurred for the purpose of instituting criminal proceedings.

*b.* Also, if a pesticide, its labeling and other materials do not comply with the Act at any time, the secretary may cancel the registration and issue a registration under protest and publicize the said protest.

**9.17 (206) Guarantee of Pesticide.**

*a.* Any manufacturer or distributor or other person residing in the United States may furnish to any person to whom it sells a pesticide a guarantee that the pesticide was lawfully registered at the time of sale and delivery to such person, and that the pesticide complies with all the requirements of the Act and regulations herein.

*b.* No reference to or suggestion that a guarantee of registration has been given shall be made in the labeling of any pesticide.

**9.18 (206) Shipments for Experimental Use.**

**9.18 (1)** A pesticide shipped or delivered for experimental use shall not be considered a violation of Section 206.3, subsection 1 of the pesticide Act.

*a.* When the pesticide is shipped or delivered for experimental use under the supervision of any federal or state agency authorized by law to conduct research.

*b.* By others if the pesticide is not sold and if the container thereof is plainly and conspicuously marked "For Experimental Use Only — Not To Be Sold."

*c.* Or provided that a written permit has been obtained from the secretary either specific or general subject to such restrictions or conditions as may be set forth in the permit. The application for such a permit shall contain such information as may be required by the secretary; and in addition the proposed labeling thereon shall bear (1) the prominent statement "For Experimental Use Only" on the container label; (2) a caution or warning statement which may be necessary and if complied with adequate for the protection of those who may handle or be exposed to the experimental products; (3) the name and address of the applicant; (4) the name or designation of the formulation; (5) if the pesticide is to be sold, the statement of the names and percentages of the principal active ingredients in the product.

*d.* A pesticide intended for experimental use shall not be offered for general sale by a retailer or others, or advertised for general sale.

**9.19 (206) Enforcement.**

*a. Collection of samples.* Samples of pesticides and devices shall be collected by an official investigator or by any employee of the state who has been duly designated by the secretary, by entry into any place during reasonable business hours.

*b. Notice of apparent violation.* If from an examination or analysis a pesticide appears to be in violation of the pesticide Act, a notice in writing shall be sent to the person against whom criminal proceedings are contemplated, giving him an opportunity to offer such written explanation as he may desire. The notice shall state the manner in which the sample fails to meet the requirements of the Act and the regulations.

*c.* Any person may in addition to his reply to such notice, file within twenty days of its receipt a written request for an opportunity to present his views orally in connection therewith.

*d.* No notice or hearing shall be required prior to the seizure of any pesticide or device. Any pesticide or device may be seized for confiscation by condemnation if it is being distributed, sold, or offered for sale in violation of law as provided in section 206.10 of the pesticide Act.

*e.* If an article is condemned, it shall after entry of court decree be disposed of by destruction or sale and the net proceeds, if any, shall be paid to the state treasurer.

**9.20 (206) Chemical Deterioration of Products:**

**9.20 (1)** The following pesticides are subject to deterioration because of lapse of time since manufacture:

- a.* Pyrethrum (dust and wettable powder)
- b.* Rotenone (dust and wettable powder)
- c.* Diazinon-starter fertilizer mixtures
- d.* Mixtures of zineb and malathion
- e.* DDVP (syrup baits)

**9.20 (2)** The label on such pesticides shall bear the confidential code number or designation approved by the secretary which shows the date of manufacture.

**9.21 (206) Highly Toxic.**

**9.21 (1)** A pesticide which falls within any of the following categories when tested on laboratory animals (mice, rats and rabbits) is highly toxic to man within the meaning of these principles:

*a. Oral Toxicity.* Those which produce death within fourteen days in half or more than half the animals of any species at a dosage of fifty milligrams at a single dose, or less, per kilogram of body weight when administered orally to ten or more such animals of each species.

*b. Toxicity on Inhalation.* Those which produce death within fourteen days in half or more than half of the animals of any species

at a dosage of two hundred parts or less by volume of the gas or vapor per million parts by volume of air when administered by continuous inhalation for one hour or less to ten or more animals of each species, provided such concentration is likely to be encountered by man when the pesticide is used in any reasonable foreseeable manner.

*c. Toxicity by Skin Absorption.* Those which produce death within fourteen days in half or more than half of the animals (rabbits only) tested at a dosage of two hundred milligrams or less per kilogram of body weight when administered by continuous contact with the bare skin for twenty-four hours or less to ten or more animals.

*d.* Provided, however, that the secretary may exempt any pesticide which meets the above standard but which is not in fact highly toxic to man, from these principles with respect to pesticides highly toxic to man, and may after a hearing designate as highly toxic to man any pesticide which experience has shown to be so in fact.

*e.* If the secretary finds, after opportunity for hearing that available data on human experience with any pesticide indicates a toxicity greater than that indicated from the above described tests on animals, the human data shall take precedence and if he finds that protection of the public health so requires, the secretary shall declare such pesticide to be highly toxic to man for the purposes of this Act and the regulations thereunder.

**9.22 (206) Sale or Possession of Sodium Fluoroacetate.**

**9.22 (1)** No person shall sell or possess any sodium fluoroacetate except federal, state, county, municipal officers or their deputies for use in their official duties in pest control; research or chemical laboratories in their respective fields; regularly licensed pest control operators for use in their own service work; and wholesalers or jobbers of pesticides for sale to the aforementioned persons; or for export.

**9.23 (206) Sale or Possession of Thallium.**

**9.23 (1)** No person shall sell or possess any thallium or thallium compound except federal, state, county, municipal officers or their deputies for use in their official duties in pest control; research or chemical laboratories in their respective fields; regularly licensed pest control operators for use in their own service work; properly registered ant, mole, and rodent poisons containing thallium expressed as metallic not more than one percent; wholesalers or jobbers of pesticides for sale to the aforementioned persons; or for export.

**9.24 (206) Warning, Caution and Antidote Statements.**

**9.24 (1)** In order to promote uniformity between the requirements of the Iowa pesticide Act and requirements of the several states and the federal government, section 206.6 of the Iowa pesticide Act provides for the adoption of rules and regulations in conformity

with those prescribed by the United States department of agriculture. Warning, caution and antidote statements required to appear on labels of pesticides under the pesticide Act shall conform to the warning, caution and antidote statements required under interpretation 18 and revisions thereof of the regulations for the enforcement of the federal insecticide, fungicide, and rodenticide Act, which interpretation 18 and revisions thereof are hereby incorporated into this rule by this reference and made a part hereof.

**9.25 (206) Forms of Plant and Animal Life and Viruses Declared To Be Pests.**

**9.25 (1)** Each of the following forms of plant and animal life and viruses is declared to be a pest under the Act when it exists under circumstances that make it injurious to plants, man, domestic animals, other useful vertebrates, useful invertebrates, of other articles or substances:

*a.* Mammals, including but not limited to dogs, cats, moles, bats, wild carnivores, armadillos, and deer;

*b.* Birds, including but not limited to starlings, English sparrows, crows, and blackbirds;

*c.* Fishes, including but not limited to the jawless fishes such as the sea lamprey, the cartilaginous fishes such as the sharks, and bony fishes such as the carp;

*d.* Amphibians and reptiles, including but not limited to poisonous snakes;

*e.* Aquatic and terrestrial invertebrates, including but not limited to slugs, snails, and crayfish;

*f.* Roots and other plant parts growing where not wanted;

*g.* Viruses, other than those on or in living man or other animals.

**9.26 (206) Regulations Dealing With Commercial Applicators.**

**9.26 (1)** All licensed commercial applicators shall establish and maintain a program of continued training of personnel who apply or disperse pesticides.

**9.26 (2)** The secretary shall administer a testing program designed to test an applicator's knowledge of the usage, the rates of application and precautions to be taken in use of any or all products which he will be applying.

**9.26 (3)** All commercial applicators of pesticides shall be required to have a license. The secretary shall require proof of competence and responsibility before issuing a license, and for this purpose may require the commercial applicator and his or its foremen who supervise the application of any pesticide in this state, to pass a written examination before issuing the license.

**9.26 (4)** Every public official or foreman, who applies pesticides on public property or supervises such application shall be licensed and shall pass a written examination and be

required to qualify as competent, before issuing his license.

**9.26 (5)** Employees of state or federal research organizations (USDA Plant Pest Control Division, Iowa Agricultural Experiment Station and other official agencies authorized by law to conduct research in the field of pesticides) are not required to take the written examination or to be issued a license.

**9.26 (6)** Every licensee shall make records of his activities which shall include on each pesticide applied:

*a.* The name of the licensee

*b.* The name and address of the landowner or customer

*c.* An adequate and precise description of the land area involved in treatment outdoors, and the exact address or location of any building or buildings treated, wherever located

*d.* The date of application

*e.* The pesticide product used

*f.* The quantity used and rate of application

*g.* The direction and estimated velocity of wind at time of application to any outdoor area.

**9.26 (7)** A copy of such records shall in every case be kept in the applicator's file for a period of five years from date of application. If any claim or suit is brought within such period of time, said records shall be kept on file available for subpoena until final disposition of the claim or suit. Any such records shall be made available to the secretary or his representative upon request at any time.

**9.26 (8)** Any person seeking to obtain a commercial applicator's license in this state shall submit proof of financial responsibility to the secretary, and upon obtaining a license such person shall maintain proof of financial responsibility at all times while such license shall be in effect. Proof of financial responsibility may consist of:

*a.* Proof of unencumbered financial net worth of the applicant or licensee if a resident of this state, in an amount not less than five thousand dollars; exclusive of his homestead, or

*b.* The deposit with the secretary of a surety bond in favor of any person or persons who may suffer damage from the application of a pesticide, issued by a corporate surety company authorized to do business in this state, which surety bond shall be in an amount not less than five thousand dollars, however, that the aggregate liability of the surety to all such persons shall, in no event, exceed the amount of such bond; or

*c.* The filing of an insurance policy of an insurer authorized to do business in this state, insuring the licensee and any of his agents against liability resulting from the application of a pesticide, which insurance policy shall be in an amount not less than five thousand dollars against damage to persons or property.

d. Regardless of the method of proof which may be used by the applicant under this rule, the form and substance of said proof must meet with approval of the secretary of agriculture.

9.26 (9) The secretary may revoke or suspend any license of a commercial applicator after conviction of the holder for violation of any provision of the pesticide Act.

9.26 (10) If upon an investigation of the commercial applicator it appears at any time that said applicator has failed to comply with or has violated any provision of the pesticide Act or has failed to pay any final judgment rendered against him for damages within sixty days, or has failed or refused to follow safe and recommended procedures for the application of any pesticide, a written notice shall be given to said applicator and an opportunity to present his views orally or in writing about the alleged acts or violation, and after said notice and an opportunity to appear, the secretary may refuse to renew the applicator's license.

9.26 (11) Custom fertilizer manufacturers who add a pesticide to their custom blends shall register a label for each guaranteed level of each pesticide added to fertilizer mixtures. The applicator who drives a spreader truck applying fertilizer pesticide mixtures shall be required to have an applicator's license, unless he is under the supervision of a licensee.

[Filed December 2, 1963]

9.27 (206) Use of High Volatile Esters.

9.27 (1) The use of high volatile esters formulations of 2,4-D and 2,4,5-T, the alcohol fraction of which contains five or fewer carbons, shall be prohibited in the counties of Harrison, Mills, Lee, Muscatine and that part of Pottawattamie county west of Range 41 West of the 5th P.M. to become effective upon filing.

[Filed May 15, 1964]

CHAPTER 9A

FERTILIZER LAW RULES 1965

9A.1 (200) Additional Plant Food Elements Besides N, P, and K.

Additional plant nutrients, besides nitrogen, phosphorus and potassium, when mentioned in any form or manner shall be registered and shall be guaranteed. Guarantees shall be made on the elemental basis. Sources of the elements guaranteed shall be shown on the application for registration. The minimum percentages which will be accepted for registration are as follows:

Element	Percent
Calcium (Ca)	1.00
Magnesium (Mg)	0.50
Sulfur (S)	1.00
Boron (B)	0.02
Chlorine (Cl)	0.10
Cobalt (Co)	0.0005
Copper (Cu)	0.05
Iron (Fe)	0.10
Manganese (Mn)	0.05
Molybdenum (Mo)	0.0005

Sodium (Na)	0.10
Zinc (Zn)	0.05

Guarantees or claims for the above-listed additional plant nutrients are the only ones which will be accepted. Proposed labels and directions for use of the fertilizer shall be furnished with the application for registration upon request. Any of the above-listed elements which are guaranteed shall appear in the order listed, immediately following guarantees for the primary nutrients, nitrogen, phosphorus and potassium. Warning or caution statements are required on the label for any product which contains 0.03% or more of boron in a water-soluble form or 0.001% or more of molybdenum.

This rule is intended to implement section 200.5, subsection 5.

9A.2 (200) Warning Required.

When any product which contains 0.03 percent or more of boron in a water-soluble form or 0.001 percent or more of molybdenum is incorporated in a commercial fertilizer a special warning tag or statement must be furnished to the purchaser. This tag or statement shall carry the word "WARNING" in letters at least one inch in height; it shall state the crops for which the fertilizer is to be used and it shall state that use of the fertilizer on any other than those recommended may result in serious injury to the crops. The tag or statement is to be attached to or printed on the bag or other container in which the fertilizer is sold; for bulk fertilizers the statement must be placed on the invoice or other document which shall accompany delivery and be supplied to the purchaser at the time of delivery as provided in section 200.6, subsection 2 of the Law.

This rule is intended to implement section 200.5, subsection 5, line 4.

9A.3 (200) Specialty Fertilizer Labels.

Specialty fertilizer products shall be labeled to show the following information, if not appearing on the face or display side in a readable and conspicuous form, shall occupy at least the upper-third of a side of the container.

- Net Weight
- Brand Name
- Grade
- Guaranteed Analysis:
  - Total Nitrogen (N) .....%
  - \_\_\_\_\_ % Ammoniacal Nitrogen\*\*
  - \_\_\_\_\_ % Nitrate Nitrogen\*\*
  - \_\_\_\_\_ % Water Insoluble Nitrogen\*
  - Available Phosphorus (P) or P<sub>2</sub>O<sub>5</sub> or both .....
  - Soluble Potassium (K) or K<sub>2</sub>O or both ....%

Additional Plant Nutrients, if claimed, and in the order and not less than the minimum percentage as shown in rule 9A.1 of this chapter.

\*\*Potential Acidity or Basicity \_\_\_\_\_% or \_\_\_\_\_lbs.

Calcium Carbonate Equivalent per ton.  
Name and Address of Registrant  
Notes:



\*If claimed or the statement "organic" or "slow acting nitrogen" is used on the label.  
 \*\*If claimed or required.

This rule is intended to implement section 200.5, subsection 4.

#### 9A.4 (200) Pesticides In Fertilizers.

When an insecticide, herbicide, or any other additive for pest control is added to fertilizer the product must be registered and guaranteed with respect to the kind and percentage of each of these additives as well as with respect to plant food elements. In a prominent manner the label on the package shall state the crops for which the fertilizer is to be used and shall state that the use of the fertilizer on any other crops or under conditions other than those recommended may result in serious injury to crops.

This rule is intended to implement section 200.7.

#### 9A.5 (200) Prior to Cancellation of Registration and License.

At any time the following conditions prevail the Secretary will notify the person guaranteeing the fertilizer that the quality of such fertilizers must be improved and may request that the distributor notify the secretary of further sales to be made in the state prior to manufacturing, mixing or blending.

a. When more than 20 percent of five or more samples of all fertilizers sampled from a plant are in violation.

b. When more than 20 percent of five or more samples of one grade from a plant are in violation.

If further sampling and analysis of fertilizer covered by "a" or "b" shipped after the first official notice does not indicate performance above these standards the guarantor's license may be suspended or sale may be stopped on all such lots of a specific fertilizer grade.

This rule is intended to implement section 200.15.

#### 9A.6 (1) (200) Standards for the Storage and Handling of Anhydrous Ammonia.

The Standards for the Storage and Handling of Anhydrous Ammonia as published in the A.A.I. Standard No. M-1 January, 1965, revision shall be adopted as the official standards for administration of the Iowa Fertilizer Law with the following exceptions.

a. Section 1.2.1(K) entitled "Implement of husbandry" is deleted.

b. Section 2.4 is deleted and in its place insert the following: "2.4 Location of containers and permanently installed unloading points. Containers shall be located outside of buildings other than those especially constructed for this purpose. Permanent storage and permanently installed unloading points shall be located outside of densely populated areas and subject to the approval of the Iowa department of agriculture. However, this distance shall be not less than fifty feet from the line of property which may be built on, or

from a source of drinking water; and not less than four hundred feet from any school, hospital, or other place of public assembly."

c. Section 2.11.4 is deleted and in its place insert the following: "2.11.4 Tank cars shall be unloaded only through a permanently installed unloading point which meets all requirements of these regulations including location, design, construction, safety equipment and operation."

d. Section 5.10 Transfer of Liquids, add new subsection 5.10.3. "5.10.3 Tank trucks, semitrailers and trailers for transportation of anhydrous ammonia above three thousand gallons total water capacity shall be unloaded only through a permanently installed unloading point which meets all requirements of these regulations including location, design, construction, safety equipment and operation."

This rule is intended to implement section fourteen (14), subsection one (1).

[Filed July 13, 1965]

### CHAPTER 10

#### BULK TANKS FOR MILK

[Filed November 18, 1963]

10.1 (192) The milk room may be built inside of a barn or other building if completely enclosed, properly ventilated and kept in a sanitary condition. A vestibule is not required.

10.2 (192) The milk room shall have a floor drain with a trap, and the floor shall be so graded as to provide proper drainage. A drain opening through the wall will not be permitted.

10.3 (192) The walls and ceilings of the milk room shall be sealed and of material that can be easily cleaned.

10.4 (192) All windows that open or can be opened shall be screened against flies or other insects.

10.5 (192) Doors shall be self-closing, made of solid material, and open outward. Doors swinging both ways will not be approved, but may have sliding doors, if self-closing. The outside door may be a screen door opening outward.

10.6 (192) A well-ventilated room shall mean a room in which the air is changing or moving so as to keep it free from moisture, bad odors, excessive heat and dust.

10.7 (192) The bulk tank shall be located in such a manner that the drain is accessible for cleaning and rodding.

10.8 (192) The hose port shall be located on the exterior wall of the milk room in such a manner that the hose can be kept clean and sanitary at all times.

10.9 (192) The usual safety regulations for a 220-volt weather proof electrical connection for a milk pump shall be followed. The switch box shall be placed on the inside wall of the milk room.

10.10 (192) A properly located tank shall mean one with easy access to all areas for

cleaning and servicing. There must be space for a person to move around on all sides of the tank for proper cleaning.

These rules shall become effective as provided in chapter 66 of the Acts of the Sixtieth General Assembly, thirty days after filing in the office of the secretary of state, upon approval by the departmental rules review committee, and shall apply only to bulk tanks installed for milk produced for manufacturing purposes on July 4, 1963, and thereafter; but as to bulk tank installations existing prior to July 4, 1963, these rules shall become effective only on and after July 1, 1965.

[Filed November 18, 1963]

## CHAPTER 11 COMMERCIAL FEEDS

**11.1 (198)** The definitions and standards for commercial feeds adopted by the Association of American Feed Control Officials are hereby adopted for the enforcement of the Iowa commercial feed law.

[Filed March 11, 1964]

### 11.2 (198) Brand and Product Names.

*a.* The brand or product name must not be misleading. If the name indicates the feed is made for a specific use the character of the feed must conform therewith.

*b.* Single ingredient feeds shall have a product name in accordance with the designated definitions of feed ingredients as recognized by the Association of American Feed Control Officials.

*c.* A name of a commercial feed, other than those containing hormones, shall not be derived from one or more ingredients of a mixture to the exclusion of other ingredients and shall not be one representing any component of a mixture unless all components are included in the name.

*d.* The word vitamin, or a contraction thereof, or any word suggesting vitamin can be used only in the name of a feed which is represented to be a vitamin supplement, and which is labeled with the minimum content of each vitamin declared, as specified in rule 11.3 "c".

*e.* The term "mineralized" shall not be used in the name of feed except "Trace Mineralized Salt". When so used, the product must contain significant amounts of trace minerals which are recognized as essential for animal nutrition.

### 11.3 (198) Expression of Guarantees.

*a.* The sliding-scale method of expressing guarantees (For example: "Protein 15-18%") is prohibited, except on minerals where a specific maximum and minimum guarantee is required.

*b.* *Drugs* in commercial feeds shall be guaranteed in terms of percentage by weight, except that antibiotics if guaranteed must be guaranteed in terms of grams per pound of feed when more than one gram per pound is present; and in terms of grams per ton when lesser amounts are presented.

*c. Vitamins*, guarantees of minimum vitamin content of feeds and feed supplements shall be stated in units or milligrams per pound as provided herein: Vitamin E in International Units or as the vitamin part of vitamin E active compounds in milligrams per pound, vitamin A, other than precursors of vitamin A, in USP Units, vitamin D in products offered for poultry feeding in International Chick Units, vitamin D for other uses in USP Units, all other vitamins as true vitamins, not compounds, excepting only pyridoxine hydrochloride, choline chloride, and thiamine; oils and concentrates containing vitamin A or vitamin D or both may be additionally labeled to show vitamin content in units per gram; and providing that the term "d-pantothenic acid" be used in stating the pantothenic acid guarantee.

*d. Minerals*, except salt (NaCl), when quantitatively guaranteed, shall be stated in terms of percentage of the element. If any minerals are guaranteed, all required (CA, P, I, Salt, if added) shall be shown on the label. When calcium or salt guarantees are given in the guaranteed analysis, such shall be stated as minimum and maximum and conform to the following:

(1) When the minimum is 5.0 percent or less, the maximum shall not exceed the minimum by more than 1 percent.

(2) When the minimum is above 5.0 percent, the maximum shall not exceed the minimum by more than 20 percent *provided* that in no case shall the difference between the minimum and maximum exceed 5.0 percent.

### 11.4 (198) Ingredient Statement.

*a.* Each feed ingredient must be specifically named.

*b.* When *water* is added in the preparation of canned foods for animals, water must be listed as an ingredient.

*c.* The term "dehydrated" may precede the name of any product that has been artificially dried.

*d.* No reference to quality or grade of an ingredient shall appear in the ingredient statement of a feed.

*e.* Pursuant to section 198.5 of the law alternative listing of any ingredients given within each of the following groups may be shown on the registration:

(1) Corn, hominy feed, wheat, barley and grain sorghums.

(2) Cottonseed meal, soybean meal, peanut meal and linseed meal.

(3) Beet molasses, corn sugar molasses, citrus molasses and cane molasses.

### 11.5 (198) Labeling.

*a.* The information required in section 198.6 of the law must appear in its entirety on one side of a label or on one side of the container; except for feeding instructions which may be placed on the reverse side of the label if necessary. This information shall not be

subordinated or obscured by other statements and designs.

b. The names of all ingredients must be shown in letters or type of the same size.

#### 11.6 (198) Minerals.

a. When the word "iodized" is used in connection with a feed ingredient, the ingredient shall not contain less than 0.007 percent iodine, uniformly distributed.

b. Mineral phosphatic materials for feeding purposes shall be labeled with a guarantee for the minimum and maximum percentages of calcium, minimum percentage of phosphorus, and the maximum percentage of fluorine.

c. The fluorine content of any mineral or mineral mixture which is to be used directly for the feeding of domestic animals shall not exceed 0.30 percent for cattle; 0.35 percent for sheep; 0.45 percent for swine; and 0.60 percent for poultry.

(1) Soft rock phosphate, rock phosphate or other fluorine-bearing ingredients may be used only in such amounts that they will not raise the fluorine concentration of the total (grain) ration above the following amounts: 0.009 percent for cattle; 0.01 percent for sheep; 0.014 percent for swine; and 0.35 percent for poultry.

#### 11.7 (198) Nonprotein Nitrogen.

a. Urea and ammonium salts of phosphoric and carbonic acids are acceptable ingredients in cattle, sheep and goat feeds only; these materials shall be considered adulterants in proprietary feeds for other animals and birds; the maximum percentage of equivalent protein from nonprotein nitrogen must appear immediately below crude protein guarantee; and the name of the substance supplying the nonprotein nitrogen must appear in the ingredient list. If feed contains more than 8.75 percent of equivalent protein contributed by nonprotein material or if the equivalent protein contributed by nonprotein materials exceeds one-third of the total crude protein, the label shall bear (1) a statement of proper usage and (2) the following statement in type of such conspicuousness as to render it likely to be read and understood by ordinary individuals under customary conditions of purchase and use:

(1) WARNING: This feed should be used only in accordance with directions furnished on the label.

#### 11.8 (198) Artificial Color.

a. An artificial color may be used in feeds only if it has been shown to be harmless to animals. No material shall be used to enhance the natural color of a feed or feed ingredient whereby inferiority would be concealed.

#### 11.9 (198) Drugs, Stock Tonics.

11.9 (1) Before a registration is accepted for a commercial feed or stock tonic which contains drugs or other ingredients which are potentially harmful to animals, the distributor may be required:

a. To submit evidence to show the safety of the feed when used according to the directions which the distributor furnishes with the feed: (A current food and drug administration clearance will be accepted as evidence of safety).

b. To furnish a written statement that adequate written or printed warnings and feeding directions will accompany each delivery of the feed; and

c. To state the percentage of the drug, or other ingredients in a prominent place on the label of the feed.

#### 11.10 (198) Stock Tonics.

a. For efficient administration under section 198.3 subsection 7, stock tonics shall include all remedies or drugs for adding to the drinking water. Products for animal feeding containing more than 20 percent of drugs or remedies for the cure, mitigation, prevention or treatment of diseases or other nonnutritional conditions shall be registered as stock tonics even though the product may be carried on feed ingredients or be intended for mixing with feed. Products containing less than 20 percent of drugs or remedies and represented as remedies for nonnutritional conditions may be registered as stock tonics.

#### 11.11 (198) Viable Weed Seed.

a. Screenings and by-products of grains or seeds containing viable weed seed shall not be used as an ingredient in the manufacture of commercial feed, unless the feed is so finely ground or otherwise treated so that the weed seed will not germinate.

[These rules shall become effective on March 10, 1964.]

[Filed March 11, 1964]

### CHAPTER 12

#### STATE ENTOMOLOGIST

[Filed and indexed October 19, 1961]

Rules of the state entomologist of Iowa relative to nursery inspection and distribution of nursery stock.

12.1 (267) *Nursery stock* is defined as cultivated or wild woody plants such as all kinds of fruit trees and vines, forest or shade trees, evergreens, ornamental shrubs and vines; all kinds of berry plants including strawberry plants flowering bulbs and corms; roots or rooted herbaceous plants to be used for ornamental purposes; fruit pits, nuts and other seeds or fruit, forest and ornamental trees and shrubs; and such other plants and parts thereof which are to be offered for sale in other states where Iowa inspection and certificate coverage of such plants or parts is required as a condition of entrance therein.

12.2 (267) *Person* is defined as any individual, or combination of individuals, corporation, company, society, association, or partnership, institution or public agency.

12.3 (267) A *nurseryman* is a person who grows or propagates nursery stock for sale or distribution.

12.4 (267) A nursery is any grounds or premises on or in which nursery stock is propagated or grown for sale or distribution, including any grounds or premises on or in which nursery stock is being fumigated, treated, stored or packed for sale or movement.

12.5 (267) A dealer is any person, not a grower or propagator of nursery stock, who obtains nursery stock for the purpose of sale or distribution, said nursery stock usually being kept on hand so delivery or partial delivery may be made at the time of sale.

12.6 (267) An agent, or salesman, is a person who has authority to represent a nurseryman, dealer, or another agent in soliciting wholesale or retail orders for nursery stock, but who keeps no nursery stock on hand for advertising or display purposes or for delivery at the time an order is taken.

12.7 (267) No nursery stock shall be brought into the state or transported or offered for sale or transportation within the state unless such shall have first been inspected and found free of any seriously injurious insect pest or plant disease.

12.8 (267) Every shipment, car, package, bag, box, carton or parcel of nursery stock brought into the state or transported or offered for sale or transportation in the state must carry firmly attached thereto a tag bearing a copy of the shipper's current valid certificate of inspection certifying that the stock has been inspected by a duly authorized inspector and found free of seriously injurious insect pests and plant disease. If for any reason the shipment requires a federal inspection certificate or tag, the same must be attached.

12.9 (267) Every out-of-state nurseryman or dealer who ships nursery stock into the state of Iowa must file with the state entomologist of Iowa a signed copy of his current valid certificate of inspection. This, together with the payment of either a fee of ten dollars or a fee equivalent to that charged by his state to out-of-state nurserymen and dealers, shall entitle him to an out-of-state certificate as shown herewith. The state entomologist of Iowa shall determine which fee shall be paid.

State of Iowa

Department of Agriculture

Office of the State Entomologist

Number ... Station "A", Ames, Iowa ..., 19...

Out-of-State Certificate

This certifies that .....

(name)

of ..... has filed a certificate of

(address)

inspection with the State Entomologist of Iowa, stating that .....

(his, her, their, its)

nursery stock has been duly inspected for the season of 19...., and found to be apparently free from dangerously injurious insect pests and plant diseases.

Permission is hereby granted to the above named nursery to ship nursery stock into the State of Iowa for the year ending September

1, 19...., provided that all rules and regulations of any federal quarantine, as well as those of the State of Iowa, governing the movement of such stock into Iowa, be complied with.

This certificate expires September 1, 19...., but may be revoked for cause.

.....  
(Secretary of Agriculture)

.....  
(State Entomologist)

12.10 (267) Notwithstanding the provision of Rule 12.9 (267), the state entomologist may enter into reciprocal agreements with the responsible officers of other states whereby the required out-of-state certificate may be granted to nurserymen and dealers of such states without the payment of the required fee provided Iowa nurserymen are permitted to ship nursery stock into such states without having to pay a fee for a certificate granting that privilege; and provided, further, the state entomologist shall find that other states before issuing their certificates require inspections equal to those required by the Iowa law.

12.11 (267) The state entomologist may also enter into reciprocal agreements with the responsible officers of other states under which certified nursery stock may be sold and shipped into the state by nurserymen and dealers of such states without furnishing bond, special permit tags of all kinds, filing of special invoices, fumigation of stock, special inspection at time of shipment or any other special inspection other than that required for the issuance of the regular form of certificate of inspection, signing of special statements concerning the location of nursery stock or any requirements other than the filing of the certificate of inspection.

12.12 (267) All shipments of nursery stock coming into the state as well as intrastate shipments are subject to inspection in transit or at destination at the option of the inspector, and if found infested with any dangerously injurious insect pest or plant disease, may be returned to the consignor, treated, destroyed, or otherwise disposed of as the inspector may deem advisable and direct. In case return to the consignor or treatment is ordered same shall be at the expense of the consignor.

12.13 (267) The inspection of nurseries shall be made annually or oftener if the nature of the stock is such as to require inspection more frequently or if certain clean-up measures are recommended and further inspection is needed as a consequence.

12.14 (267) If deemed advisable by the state entomologist, any nurseryman or dealer must give references satisfactory to the state entomologist as to his integrity and moral character before a certificate shall be issued to him.

12.15 (267) Nursery stock lined out or heeled in and held over after the spring delivery season for nursery stock is over shall

not be offered for sale or transportation without reinspection and certification. The usual inspection fee shall be paid for such inspection and certification.

12.16 (267) Nursery stock purchased in other states and shipped into this state, as well as stock purchased within the state, received under a recognized certificate may be reshipped by Iowa nurserymen or dealers under their own certificate.

12.17 (267) Iowa nurserymen and dealers may, if deemed advisable by the state entomologist, be required to furnish a complete list of names of firms or individuals, together with their addresses, from whom they receive nursery stock.

12.18 (267) Growers of greenhouse plants, hardy herbaceous perennials, bulbs or tubers of flowering plants, or other plants, who wish to make shipments into states requiring that an inspection certificate accompany such plants must make application for inspection services before such certificate can be issued. The same rules and fees shall apply here as for inspection of nursery stock.

12.19 (267) Each applicant for inspection, if the stock is found satisfactory, shall upon the payment of the required fee be granted a certificate of the form shown below. All certificates are valid up to the first of September following date of issue, the certificate year dating from September 1 to September 1, even though the inspections often must be made during the summer months preceding the date of issuance of the certificate.

State of Iowa  
Department of Agriculture  
Office of the State Entomologist  
Number ... Station "A", Ames, Iowa ..., 19...  
Certificate of Nursery Inspection

This certifies that the nursery premises and the growing nursery stock consisting of .....

(general nursery stock—evergreens, strawberries, raspberries)

(ornamental shrubs, etc.)

and belonging to ..... have been inspected by a duly authorized nursery inspector as provided by the "Iowa Crop Pest Act"—Chapter 267, Code of Iowa, 1958.

Permission is hereby granted to the above-named nursery to sell and ship (1) stock of his own growing which upon inspection has either been found apparently free from dangerously injurious insect pests and plant diseases, or if infested or diseased, has been treated as prescribed by this office, and (2) stock obtained from other sources approved by this office, provided that a tag on which a copy of this certificate has been printed, is attached to each package, bale, box or carload lot shipped or delivered.

This certificate applies only to stock which has been officially inspected for the year ending September 1, 19... and expires on that

date, but may be revoked by the State Entomologist at any time for cause.

Secretary of Agriculture

State Entomologist

12.20 (267) Dealers in nursery stock shall secure a dealer's certificate from the state entomologist under which to carry on their business within the state. For the purposes of this regulation each separate place of business whether owned or operated by an individual, firm or corporation shall be considered as distinct and operate under its own certificate. In case of a system of chain stores or chain nurseries each store or nursery shall obtain a dealer's certificate from the state entomologist for the conduct of the nursery business in such store or nursery. The fee for each dealer's certificate shall be five dollars.

12.21 (267) Each applicant for a dealer's certificate shall be required to subscribe to the following affirmation:

Nursery Dealer's Affidavit  
State of Iowa  
County of ..... ss.

I, ..... of ..... State of Iowa, dealer in nursery stock being duly sworn, declare that I grow no nursery stock for sale myself at ..... and that I will buy and sell only stock which has been inspected and certified by a duly authorized nursery inspector in the state where the stock is grown. I have purchased or expect to purchase only nursery stock which has been inspected for the year ending September 1, 19... from .....

I further agree that, if during the said year, I obtain nursery stock from any parties other than those named above, I will give written notice of such purchase to the State Entomologist of Iowa, and will not sell or otherwise dispose of such stock without his written consent to do so.

I affirm that as a nursery dealer I have and will maintain proper facilities for keeping all nursery stock to be offered for sale in a viable condition pending such sale.

Subscribed and sworn to before me by the said ..... this ... day of....., 19.....

Notary Public in and for County of .....

12.22 (267) The certificates granted dealers shall be of the form shown below and shall be valid from the date of issue to the following September 1.

STATE OF IOWA  
DEPARTMENT OF AGRICULTURE  
OFFICE OF THE STATE ENTOMOLOGIST  
Number ..... Ames, Iowa ....., 19.....  
Dealer's Certificate

This certifies that ..... (name)

of ..... having made affidavit  
 (address)  
 to buy and sell only nursery stock which has been inspected and certified in accordance with the provisions of "The Iowa Crop Pest Act", chapter 267, Code of Iowa, 1958, and to file with the state entomologist a complete list of all sources from which he desires to procure stock for reselling, is authorized to sell and ship nursery stock as a dealer; provided that a tag on which a copy of this certificate has been printed is attached to each package, box or other container in which shipment is made.

This certificate expires September 1, 19...., but may be revoked sooner for cause.

.....  
 Secretary of Agriculture

.....  
 State Entomologist

**12.23 (267)** If deemed advisable by the state entomologist, each applicant for a dealer's certificate shall furnish a written recommendation of one banker, one businessman and three nurserymen and must satisfy the state entomologist as to his business honesty and integrity.

**12.24 (267)** Individuals, firms or corporations who are offering nursery stock for sale at nursery grounds, stores, roadside stands, public market places, or any other place, shall have and maintain proper facilities for keeping all nursery stock in a viable condition and shall keep such stock in a viable condition pending sale, and shall keep in view of the public the proper kind of certificate showing that they have the right to be offering nursery stock for sale.

**12.25 (267)** Nursery stock being offered for sale shall be watered so that the roots are sufficiently moist at all times. Nursery stock dug with a ball of earth around the roots shall be kept in sawdust, shingletoe, peat, sphagnum moss or other moisture-holding material, not toxic to the plants, of sufficient depth to cover at least two-thirds of the ball of earth. Dormant nursery stock dug without a ball of earth around the roots may be displayed with the roots covered with soil or any of the above moisture-holding material or may be stored in a storage room where the temperature and humidity are controlled to maintain the viability of the nursery stock. When the state entomologist or his authorized representative finds nursery stock being offered for sale under conditions which do not meet the requirements of this rule he may order that sale of the nursery material be stopped until the requirements are complied with.

**12.26 (267)** Each plant collected from the wild state and offered for sale must bear a label plainly marked "Collected from Wild", unless such plant material is grown in the nursery row for at least one growing season before being offered for sale, then such disclosure is not required.

**12.27 (267)** Railroad and express companies, postal systems, bus lines and any other public

carriers of any kind whatsoever are prohibited from accepting, for shipment, nursery stock not bearing a proper certificate of inspection. If the shipper, when notified that the certificate is lacking, does not supply same, the said companies or officials shall report said fact to the state entomologist of Iowa, giving name and address of the party offering said stock for shipment.

See sections 267.13 and 267.14 of Iowa crop pest Act.

**12.28 (267)** Out-of-state nurserymen or dealers who have their orders filled by Iowa nurserymen and shipped directly to their customers and want the stock to go out as their shipment will be required to take out a dealer's license with their address as that of nursery where orders are filled and have attached to each shipment a tag bearing a copy of the certificate. Otherwise the shipment must have attached to it the grower's certificate of the nursery filling the order and the stock represented as belonging to them.

**12.29 (267)** Any nurseryman or dealer advertising nursery stock for sale in Iowa should give in his advertisement the number of the certificate under which he is operating in the state of Iowa.

**12.30 (267)** Quarantine regulations, either state or federal, will take precedence over the above regulations in regard to any nursery plant or class of plants affected by them.

**12.31 (267)** Certificates issued to nurserymen or dealers are nontransferable and are for the exclusive use of the one to whom they are issued. Each and every form of these may be revoked by the state entomologist at any time.

The foregoing regulations, effective November 1, 1961, supersede preceding regulations issued effective June 26, 1935 and January 28, 1959.

CHAPTER 13  
 STATE APIARIST

**13.1 (160)** The following are designated as area clean-up counties (as per sec. 266.17, Code of Iowa, 1950): Allamakee, Black Hawk, Boone, Buchanan, Butler, Cerro Gordo, Crawford, Dallas, Delaware, Dubuque, Fayette, Floyd, Fremont, Greene, Humboldt, Ida, Johnson, Kossuth, Lee, Linn, Marion, Mitchell, Monona, Montgomery, Muscatine, Osceola, Palo Alto, Pocahontas, Polk, Pottawattamie, Poweshiek, Scott, Shelby, Story, Washington, Webster, Winneshiek and Wright.

**13.1 (1)** No bees on combs, used beekeeping equipment or appliances, shall be moved into any such area unless accompanied by a permit by the state apiarist.

**13.2 (160)** The following are designated as area clean-up counties (as per sec. 266.13, Code of Iowa, 1950): Allamakee, Black Hawk, Boone, Buchanan, Butler, Cerro Gordo, Crawford, Dallas, Delaware, Dubuque, Fayette, Floyd, Fremont, Greene, Humboldt, Ida, Johnson, Kossuth, Lee, Linn, Marion, Mitchell, Monona, Montgomery, Muscatine, Osceola,

Palo Alto, Pochontas, Polk, Pottawattamie, Poweshiek, Scott, Shelby, Story, Washington, Webster, Winneshiek and Wright.

**13.2 (1)** All bees owned, leased or operated in these areas shall be in hives with movable frames, permitting ready examination for the purpose of determining the presence of disease.

CHAPTER 14  
WEIGHTS AND MEASURES

All tolerances and specifications for the weights and measures division were adopted from the U. S. Bureau of Standards Handbook H.44 published September 1949.

**14.1 (215)** The term "sensibility reciprocal" is defined as to the weight required to move the position of equilibrium of the beam, pan, pointer, or other indicating device of a scale, a definite amount.

**14.2 (215)** A Platform Scale is a scale having a load receiving platform carried on multiplying levers which transmit the load to the beam or other reading element, such platform having four or more lines of support comprised of bearings which rest directly upon knife edges in the multiplying levers. The tolerances to be allowed in excess or deficiency on all platform scales shall not be greater than the values shown in the following table:

MAINTENANCE TOLERANCES FOR LARGE-CAPACITY SCALES, EXCEPT LIVESTOCK, COAL-MINE, VEHICLE, AND FREIGHT SCALES, WHEEL-LOAD WEIGHERS, AND RAILWAY TRACK SCALES.

Known Test Load Pounds	Tolerance on Ratio Test Ounces	Tolerance on Weighbeam Reading-face and Unit-weight Indications Ounces
99 or less	1/2	1
100 to 199, incl.	2	2
200 to 299, incl.	3	4
300 to 399, incl.	4	6
400 to 499, incl.	5	8
500 to 599, incl.	7	10
600 to 799, incl.	8	12
		Pounds
800 to 999, incl.	11	1
1000 and over	3/4 lb. per 1000 lbs.	1 lb. per 1000 lbs.

**14.3 (215) T.3.3.** For vehicle, axle-load, livestock, animal, crane, and railway track scales.

The basic maintenance tolerance on vehicle, axle-load, livestock, animal, crane, and railway track scales shall be two pounds per 1,000 pounds of test load (0.2 percent); the acceptance tolerance shall be one-half the basic maintenance tolerance. [Filed December 14, 1965]

**14.4 (215)** Reserved for future use. (Rule 4, 1962 I.D.R. 35 rescinded December 14, 1965)

**14.5 (215)** A Counter Scale is a scale of any type which is especially adopted on account of its compactness, light weight, moderate capacity, and arrangements of parts for use upon a counter or table. The tolerance on all counter scales shall be as follows:

Nominal capacity Pounds	Minimum tolerance value Ounce
3 or less	1/16
4 to 7, incl.	1/8
8 to 14, incl.	1/4
15 to 23, incl.	3/8
24 to 39, incl.	1/2
40 to 50, incl.	5/8

[Amended November 18, 1963]

**14.6 (215)** A Spring Scale is a scale in which the weight indications depend upon the change of shape or dimensions of an elastic body or system of such bodies.

**14.6 (1)** A Computing Scale is a scale which, in addition to indicating the weight, indicates the total price of the amount of commodity weighed for a series of unit prices and must be correct in both its weight and value indications.

**14.6 (2)** All computing scales shall be equipped with weight indicators and charts on both the dealer's and customer's sides.

**14.6 (3)** Tolerances for both the spring scale and the computing scale shall not be greater than that for counter scales.

**14.7 (215)** The Automatic Grain Scale is one so constructed with a mechanical device that a stream of grain flowing into its hopper can be checked at any given weight, long enough to register said weight and dump the load. The garner above the scale should have at least three times the capacity of the scale to insure a steady flow at all times.

**14.7 (1) On Automatic-Indicating Scales.** On a particular scale, the maintenance tolerances applied shall be not smaller than one-fourth the value of the minimum reading-face graduation; the acceptance tolerances applied shall be not smaller than one-eighth the value of the minimum reading-face graduation.

However, on a prepackaging scale (see D.11, D.12) having graduated intervals of less than one-half ounce, the maintenance tolerances applied shall not be smaller than one-eighth ounce and the acceptance tolerances applied shall be not smaller than one-sixteenth ounce.

[Amended November 18, 1963]

**14.8 (215)** Motor Truck Scales are scales built by the manufacturer for the use of weighing commodities transported by motor truck.

**14.9 (215)** Livestock Scales are scales which are constructed with stock racks, or scales which are being used to weigh livestock.

**14.10 (215)** Grain Dump Scales are scales so constructed that the truck may be unloaded without being moved from the scale platform.

The above-mentioned scales must be approved by the department. This approval being based upon blueprints and specifications submitted for this purpose.

**14.11 (215)**

**14.11 (1)** In the construction of a scale pit, the pit walls must be of reinforced con-

crete. The floor shall be constructed of materials that can be kept well drained and as dry as possible at all times. All scale footings shall be at least twelve inches below the frost line.

There shall be an approach at each end of the scale of not less than ten feet, and said approach shall be of reinforced concrete on a level with the scale deck.

**14.11 (2)** "Electronic scales shall have a vertical clearance of not less than four feet from the floor line to the bottom of the "I" beam of the scale bridge, thus providing adequate access for inspection and maintenance. The load bearing supports of all scales installed in a fixed location shall be constructed to insure the strength, rigidity, and permanence required for proper scale performance." [Amended September 14, 1965]

**14.12 (215)** Pitless scales may be installed on a temporary basis, not to exceed four months, and said scale shall be placed on concrete footings. Said specifications for same being furnished by the scale manufacturer.

**14.13 (215)** Master scale test weights used by scale repairmen for checking scales after being overhauled must be sealed by the department of agriculture, division of weights and measures, as to their accuracy once each year. Said weights after being sealed are to be used only as master test weights.

**14.14 (215) S.1 Design.**

*General.* A scale shall be of such materials and construction that (a) it will support a load of its full nominal capacity without developing undue stresses or deflections, (b) it may reasonably be expected to withstand normal usage without undue impairment of accuracy or the correct functioning of parts, and (c) it will be reasonably permanent in adjustment.

**14.14 (1) Stability of Indications.** A scale shall be capable of repeating with reasonable precision its indications and recorded representations. This requirement shall be met irrespective of repeated manipulation of any scale element in a manner duplicating normal usage, including (a) displacement of the indicating elements to the full extent allowed by the construction of the scale, (b) repeated operation of a locking device, and (c) repeated application or removal of unit weights.

**14.14 (2) Interchange or Reversal of Parts.** Parts which may readily be interchanged or reversed in the course of normal usage shall be so constructed that their interchange or reversal will not materially affect the zero-load balance or the performance of the scale. Parts which may be interchanged or reversed in normal field assembly shall be (a) so constructed that their interchange or reversal will not affect the performance of the scale or (b) so marked as to show their proper positions.

**14.14 (3) Pivots.** Pivots shall be made of hardened steel, except that agate may be used

in prescription scales, and shall be firmly secured in position. Pivot knife-edges shall be sharp and straight and cone-pivot points shall be sharp.

[Amended November 18, 1963]

**14.15 (215) Weighbeams.**

All weighbeams, dials, or other mechanical weight-indicating elements must be placed on reinforced concrete footings and/or metal structural members. Concrete and metal must be of sufficient strength to keep mechanical weight-indicating elements in positive alignment with the lever system. [Filed December 14, 1965]

**14.16 (215)** Whenever a scale is equipped with a beam box, the beam uprights, shelf and cap must be made of channel irons or I-beams. The box covering the weighbeam may be constructed of wood or other material.

**14.17 (215)** The steelyard, or beam rod, must be connected directly to the nose iron on the transverse lever on all motor truck and livestock scales.

**14.18 (215)** The amount of weight indicated on the beam, dial, or other auxiliary weighing attachments, shall not exceed the factory-rated capacity of the scale, and said capacity shall be stamped on the butt of the beam (fractional bar is not included).

**14.18 (1)** If auxiliary attachment is used, the amount of the auxiliary attachment must be blocked from the beam.

**14.18 (2) Normal Position.** The normal balance position of the weighbeam of a beam scale shall be horizontal.

**14.18 (3) Travel.** The weighbeam of a beam scale shall have equal travel above and below the horizontal. The total travel of the weighbeam of a beam scale in a trig loop or between other limiting stops near the weighbeam tip shall be not less than the minimum travel shown in table 2; when such limiting stops are not provided, the total travel at the weighbeam tip shall be not less than eight percent of the distance from the weighbeam fulcrum to the weighbeam tip.

**14.18 (4)**

TABLE 2.—MINIMUM TRAVEL OF WEIGHBEAM OF BEAM SCALE BETWEEN LIMITING STOPS

Distance from weighbeam fulcrum to limiting stops Inches	Minimum travel between limiting stops Inch
12 or less	0.4
13 to 20, incl.	.5
21 to 40, incl.	.7
Over 40	.9

**14.18 (5) Poise Stop.** Except on a steelyard with no zero graduation, a shoulder or stop shall be provided on each weighbeam bar to prevent a poise from traveling and remaining back of the zero graduation.

**14.18 (6) Pawl.** A poise on a notched weighbeam bar shall have a pawl with a rounded tip which will seat the poise in a



definite and correct position at any notch, wherever in the notch the pawl is placed, and hold it there firmly and without appreciable movement. That dimension of the top of the pawl which is transverse to the longitudinal axis of the weighbeam shall be equal to the corresponding dimension of the notches.

**14.18 (7) Nominal capacity, marking.** The nominal capacity shall be conspicuously marked *a.* on any scale equipped with unit weights, *b.* on any scale with which counterpoise or equal-arm weights are intended to be used, and *c.* on any automatic-indicating or recording scale so constructed that the capacities of the several individual indicating and recording elements are not immediately apparent.

A small capacity uncompensated spring scale shall be conspicuously marked to show that the scale is illegal for use in the retail sale of foodstuffs other than fruits and vegetables.

[Amended November 18, 1963]

**14.19 (215) Provision for sealing coin slot.**

Provision shall be made on a coin-operated scale for applying a lead-and-wire seal in such a way that insertion of a coin in the coin slot will be prevented. [Filed December 14, 1965]

**14.20 (215) Stock Racks.** A livestock scale shall be equipped with a suitable enclosure, fitted with gates as required, within which livestock may be held on a scale platform; this rack shall be securely mounted on the scale platform and adequate clearances shall be maintained around the outside of the rack.

**14.21 (215) Lengthening of Platforms.** The length of the platform of a vehicle scale shall not be increased beyond the manufacturer's designed dimension except when the modification has been approved by competent scale-engineering authority, preferably that of the engineering department of the manufacturer of the scale, and by the weights and measures authority having jurisdiction over the scale.

**14.22 (215) Accessibility for Testing Purposes.** A large capacity scale shall be so located, or such facilities for normal access thereto shall be provided that the test weights of the weights and measures official, in the denominations customarily provided, and in the amount deemed necessary by the weights and measures official for the proper testing of the scale, may readily be brought to the scale by customary means; otherwise it shall be the responsibility of the scale owner or operator to supply such special facilities, including necessary labor, as may be required to transport the test weights to and from the scale, for testing purposes, as required by the weights and measures official.

**14.23 (215) Assistance in Testing Operations.** If the design, construction or location of a large-capacity scale is such as to require a testing procedure involving special acces-

sories or an abnormal amount of handling of test weights, such accessories or needed assistance in the form of labor shall be supplied by the owner or operator of the scale, as required by the weights and measures official.

**14.24 (215) Beam Scale.** One on which the weights of loads of various magnitude are indicated solely by means of one or more weighbeam bars either alone or in combination with counterpoise weights.

**14.25 (215) Spring Scale.** An automatic indicating scale in which the counterforce is supplied by an elastic body or system of such bodies, the shape or dimensions of which are changed by applied loads. A "compensated" spring scale is one equipped with a device intended to compensate for changes in the elasticity of the spring or springs resulting from changes in temperature, or one so constructed as to be substantially independent of such changes; an "uncompensated" spring scale is one not so equipped or constructed. A "straightface" spring scale is one in which the indicator is affixed to the spring without intervening mechanism and which indicates weight values on a straight graduated reading-face. (The use in a scale of metal bands or strips in lieu of pivots and bearings does not constitute the scale a "spring" scale.)

**14.26 (215) Weighbeam or Beam.** An element comprising one or more bars equipped with movable poises, or means for applying counterpoise weights or both.

[Amended November 18, 1963]

**14.27 (215) Livestock Scale.** For purposes of the application of requirements for SR, tolerances and minimum graduations, a scale having a nominal capacity of six thousand pounds or more and used primarily for weighing livestock standing on the scale platform. (An "animal scale" is a scale adapted to weighing single heads of livestock.)

**14.28 (215) Tolerances on Petroleum Products Measuring Devices.**

All pumps or meters at filling stations may have a tolerance of not over five cubic inches per five gallons, minus or plus. All pumps or measuring devices of a large capacity shall have a maintenance tolerance of fifty cubic inches, minus or plus, on a fifty-gallon test. Add additional one-half cubic inch tolerance per gallon over and above a fifty-gallon test. Acceptance tolerances on large capacity pumps and measuring devices shall be one-half the maintenance tolerances. [Filed December 14, 1965]

**14.29 (215)** If a meter is found to be incorrect and also capable of further adjustment, said meter shall be adjusted, rechecked and sealed. If a seal is broken for any cause other than by a state inspector, the department of agriculture shall be promptly notified of same.

[Amended November 28, 1963]

**14.30 (215) G-S.4.** All weighing or measuring devices shall be provided with appropriate recording or indicating elements, which shall

be definite, accurate and easily read under any conditions of normal operation of the device. Graduations and a suitable indicator shall be provided in connection with indications and recorded representations designed to advance continuously. Graduations shall not be required in connection with indications or recorded representations designed to advance intermittently or with indications or recorded representations of the selector type.

**14.31 (215) S20-1.** All gasoline or oil metering devices shall be equipped with an effective air eliminator to prevent passage of air or vapor through the meter. The vent from such eliminator shall not be closed or obstructed.

**14.32 (215) S20-2.** No means shall be provided by which any measured liquid can be diverted from the measuring chamber of the meter or the discharge line therefrom. However, two or more delivery outlets may be installed, if automatic means is provided to insure that liquid can flow from only one such outlet at one time, and the direction of flow for which the mechanism may be set at any time is definitely and conspicuously indicated.

**14.33 (215)** The specifications, tolerances, and regulations for commercial weighing and measuring devices, together with amendments thereto, as recommended by the National Bureau of Standards and published in National Bureau of Standards Handbook 44—3rd Edition and supplements thereto up to October 12, 1965, shall be the specifications, tolerances, and regulations for commercial weighing and measuring devices in the state of Iowa, except as modified by state statutes, or by rules, adopted and published by the Iowa Department of Agriculture, and not rescinded. [Filed December 14, 1965]

**14.34 (215) Inspection Tag or Mark.**

**14.34 (1)** If a meter is found to be inaccurate, an appropriate "Inaccurate" card and a "Repair and Placing in Service" card shall be left with the meter.

a. The "Inaccurate" card is to be retained by the LP-gas dealer after repair.

b. The "Repair and Placing in Service" card is to be forwarded to weights and measures division of the agriculture department.

**14.35 (215)** If the meter has not been repaired within thirty days the meter will be condemned and a red condemned tag will be attached to the meter.

**14.36 (215)** In accordance with the contemplated revision of National Bureau of Standards Handbook 44, Gur. 4.4 (Replacement of Security Seal), accredited repair and testing companies shall be authorized to affix a security seal, properly marked with the identification of such company.

**14.37 (215)** Companies specializing in testing and repairing LP-gas meters shall be registered with the division of weights and measures as accredited repair and testing agencies upon meeting the requirements set forth by the department of agriculture.

**14.38 (215)** In the delivery of LP-gas by commercial bulk trucks (bobtail) across state lines, it shall be mandatory for all trucks delivering products to be equipped with a meter that has been either tested by the state of Iowa or that carries the seal of an accredited meter service and proving company.

**14.39 (215)** The location of all LP-gas liquid meters in retail trade shall be listed, by the owner, with the department of agriculture.

**14.40 (215)** Upon putting a new or used meter into service in the state of Iowa, the user shall report to the weights and measures division.

[Amendment filed September 14, 1965]

These Rules are intended to implement chapters 210, 212, 213, 214 and 215, Code of Iowa, 1962, as amended.

CHAPTER 15  
HOTEL, RESTAURANT AND FOOD  
ESTABLISHMENTS

Pursuant to the authority of Section 159.5 of the Code, the following Rules are hereby adopted. [Filed January 11, 1966]

**15.1 (170.2) License Required.**

**15.1 (1)** A boarding house is not a restaurant unless they cater to transient guests. A boarding house catering to transient guests is classified as a restaurant and, therefore, must have a restaurant license.

**15.2 (170.19) Sanitary Regulations.**

**15.2 (1)** Perishable food shall mean any food of such type or in such condition as may spoil.

**15.2 (2)** Potentially hazardous food shall mean any perishable food which consists in whole or in part of milk or milk products, eggs, meat, poultry, fish, shellfish, or other ingredients capable of supporting rapid and progressive growth of infectious or toxigenic microorganisms.

**15.3 (170.19) Temperatures and Proper Care of Foods.**

**15.3 (1)** All perishable food shall be stored at such temperatures as will protect against spoilage.

**15.3 (2)** All potentially hazardous food shall, except when being prepared and served, when being displayed for service, be kept at 45° F. or below, or 140° F. or above.

**15.3 (3)** All potentially hazardous food, when placed on display for service, shall be kept hot or cold as required hereafter:

If served hot: Displayed in/on a heated facility which can maintain the temperature of such food at 140° F. or above.

If served cold: Displayed in/on a refrigerated facility which can maintain the product temperature at 45° F. or below.

**15.3 (4)** Frozen food shall be kept at such temperatures as to remain frozen.

**15.3 (5)** When ready for preparation, potentially hazardous frozen food shall be thawed or prepared for use in the following ways:

- a. Thawed at refrigerator temperature of 45° F. or below.
- b. Thawed under pure running water 70° F. or below.
- c. Quick thawed as part of the cooking process.
- d. Thawed at room temperature if food is immediately refrigerated or cooked after thawing.

In any event, food which is to be thawed by any of the above ways must be put into appropriate containers which will provide for sanitary care of the food during thawing.

**15.3 (6)** Hollandaise and other potentially hazardous sauces prepared from fresh ingredients must be discarded as waste within three hours after preparation. Where such sauces require eggs as an ingredient, only shell eggs shall be used.

**15.3 (7)** Custards, cream fillings, or similar products which are prepared by hot or cold processes, shall be kept at safe temperatures, except during necessary periods of preparation and service. Pastries or puddings shall meet the following requirements as applicable:

a. Pastry fillings shall be placed in shells, crusts, or other baked goods immediately following preparation or shall be refrigerated at 45° F. or below in shallow pans, immediately after cooking or preparation and held thereat until combined into pastries, or served.

b. All completed custard-filled and cream-filled pastries shall, unless served immediately following filling, be refrigerated at 45° F. or below promptly after preparation, and held thereat pending service.

**15.3 (8)** Sugar, catsup and mustard shall be kept in covered or closed containers at all times. Sugar bowls which contain loose unpackaged sugar will not be permitted.

**15.3 (9)** Mayonnaise and other similar preparations must be kept refrigerated at 45° F. or lower after opening.

#### **15.4 (170.19) Storage of Food.**

**15.4 (1)** Wet storage of packaged food will not be permitted.

**15.4 (2)** Food must be covered, wrapped or placed in proper container to prevent contamination.

**15.4 (3)** Dry ingredients which have been opened must be placed in tight covered plastic, glass, or metal containers.

**15.4 (4)** Storage facilities must be kept clean and provide adequate storage space and be located in such a place as to protect food from contamination and unsanitary conditions.

**15.4 (5)** Racks, shelves and other surfaces must be free of corrosion, rust and other unsanitary conditions.

**15.4 (6)** Food in cartons, bags or other containers kept in store rooms, basements, warehouses or other places, shall be placed on platforms, racks or pallets so as to allow space of at least four inches above the floor and suffi-

cient space from the wall for proper pest control.

#### **15.5 (170.19) Garbage**

**15.5 (1)** All garbage must be kept in metal or plastic containers with tight-fitting lids. Inside garbage cans must be emptied, thoroughly washed and disinfected daily.

**15.5 (2)** All garbage and refuse must be moved from premises regularly so as not to create problems with insects and rodents, offensive odors or health or fire hazards.

#### **15.6 (170.19) Towels.**

**15.6 (1)** Individual sanitary towels are approved by the department.

**15.6 (2)** Air driers are approved by the department.

**15.6 (3)** Cloth towel dispensers that offer a clean section of towel each time used, are approved and are not considered roller towels, provided they are serviced regularly and not allowed to leave a loose end of toweling hanging when the roll reaches the end.

**15.6 (4)** Soiled linens, towels, etc. must be kept in proper containers and kept away from food preparation and serving areas.

**15.7 (170.19)** Approved methods of washing and sanitizing glasses, plates, cups, saucers, dishes and silverware.

#### **15.7 (1) Manual dishwashing.**

Adequate facilities must be provided which include:

a. Space for prescraping and removing all food possible from dishes before washing.

b. Proper garbage disposal.

c. Sufficient hot water supply.

d. A three-compartment sink large enough to handle the volume of dishes. Each compartment must be capable of being supplied with hot and cold running water.

e. A drainboard.

f. Racks for clean dishes.

g. Effective cleansing agent.

h. Effective sanitizing materials.

Procedure is as follows:

After the dishes are prescraped, they must be washed in the first compartment using an effective detergent or other approved cleansing agent and a brush or swab. The temperature of this wash water should be 110° to 120° F. The dishes are then rinsed in hot water in the second compartment to remove all detergent or other approved cleansing agent and suds. Temperature of this rinse should be 110° to 120° F. Finally, the dishes are sanitized in the third compartment of the sink by immersing them for at least one minute at a temperature of not less than 75° F. in a sanitizing solution which contains one of the following:

a. At least 100 PPM of available chlorine.

b. At least 200 PPM of a quaternary ammonium compound.

c. Any other sanitizing agent which has been demonstrated to the satisfaction of the department of agriculture to be effective and non-

toxic under use conditions and for which a suitable field test is available.

In using any of these sanitizers, it is important to follow the directions on the label of the product carefully and to measure amounts accurately.

After dishes and silverware are sanitized, they should be allowed to drain dry in racks or on a corrugated surface. The use of towels for drying dishes or silverware is prohibited.

Care should be used in handling the dishes after washing to see that the fingers do not come in contact with the drinking edge of the cups and glasses or the parts of spoons and forks that are placed in the mouth or the blades of knives.

Cups and glassware should be stored upside down on corrugated mats or in racks and be protected from dust and dirt. Dishes, cups, glassware and silverware must never be stored on cloth or paper towels, newspapers, etc. Silverware should be stored in a sanitary manner in such a way that only the handles will be touched when transferred to service.

**15.7 (2) Mechanical dishwashing machines.**

Dishwashing machines shall:

a. Be of such materials and so designed and constructed as to be easily cleanable.

b. Shall be capable when operated properly of rendering all surfaces of equipment and utensils clean and sanitary.

c. Wash water shall be kept reasonably clean.

d. Rinse water tanks shall be so protected by distance, baffles, or other effective means as to minimize the entry of wash water into the rinse water.

e. The wash water temperature shall be kept at least 140° F.

f. The final rinse water shall be at a temperature of at least 180° F. at the entrance of the manifold.

g. When chemicals are relied upon for sanitization, they shall be of a class or type approved by the department and shall be applied in such concentration for such a period of time to provide effective bactericidal treatment of the equipment and utensils.

h. Conveyors in dishwashing machines shall be accurately timed to assure proper exposure times in wash and rinse cycles.

i. An easily readable thermometer shall be provided for reading temperature of wash water.

j. An easily readable thermometer shall be provided for reading temperature of rinse water.

k. Jets, nozzles, and all other parts of each machine shall be maintained free of chemical deposits, debris, and other soil. Automatic detergent dispensers, if used, shall be kept in proper operating condition.

Procedure is as follows:

After the dishes are prescraped and placed in racks and run through the wash and

rinse cycle, they should be allowed to drain dry in racks or on a corrugated surface. The use of towels for drying dishes or silverware is prohibited.

Care should be used in handling the dishes after washing to see that the fingers do not come in contact with the drinking edge of cups and glasses or the parts of spoons and forks that are placed in the mouth, or the blades of knives.

Cups and glassware should be stored upside down on corrugated mats or in racks and be protected from dust and dirt. Dishes, cups, glassware and silverware must never be stored on cloth or paper towels, newspapers, etc. Silverware should be stored in a sanitary manner in such a way that only the handles will be touched when transferred to service.

Any other type of machine, device, or facilities and procedures may be approved by the department for cleaning or sanitizing equipment and utensils, if it can be readily established that such machine, device, or facilities and procedures will routinely render equipment and utensils clean to sight and touch, and provide effective bactericidal treatment as demonstrated by an average plate count per utensil surface examined, of not more than 100 colonies.

**15.8 (170.26) Medical Certification.**

15.8 (1) The department may require medical certification as proof of freedom from infection with any communicable disease.

These Rules are intended to implement Section 170 of the Code.

[Filed January 11, 1966]

**CHAPTER 16  
DAIRY TRADE PRACTICES**

[Filed December 28, 1966]

Pursuant to the authority of section 28, ch 192, Acts of the 61st General Assembly, the following rules are adopted:

**16.1 (192A) Schools, Churches and Other Charitable Institutions not Operated for Profit.**

16.1 (1) The exemption in subsection 7, section 192A.1 of the Code of schools, churches and other charitable institutions not operated for profit applies to both dairy products and equipment.

16.1 (2) The exemption does not apply to a catering service or a fraternity buying group. The test is whether or not the business is done directly with the school, church or institution and not with a third person.

16.1 (3) Whether or not an institution qualifies as a charitable institution not operated for profit and thus is exempt from the Act is a matter of fact under the circumstances. It will depend on its origin, objects, charter and how it conducts its business. Membership organizations whose benefits accrue to the membership are not charitable institutions. Public institutions such as jails, county homes, mental health institutions, prisons, etc., are charitable organizations not operated for profit and exempt from the Act.

**16.2 (192A) Sales.**

16.2 (1) A lease with option to buy paid for

within thirty-six months is a sale within the meaning of subsection 9 of section 192A.1 of the Code.

**16.3 (192A) Price Differentials and Discounts.**

**16.3 (1)** Section 192A.3 of the Code applies to both wholesale and retail sale of dairy products.

**16.3 (2)** Price differentials, allowed under subsection 1, section 192A.3 of the Code must be cost justified.

**16.3 (3)** Central billing or group discounts must be cost justified.

**16.3 (4)** Differentials between name brand dairy products and private label must be cost justified.

**16.3 (5)** A deviation filed to meet an equally low price of a competitor will continue only so long as the equally low price of a competitor exists. When the price of the competitor is changed, the deviation must be withdrawn.

**16.3 (6)** Discounts and rebates to be allowed must be cost justified.

**16.3 (7)** Discounts shall be determined on the basis of units delivered so far as ice cream is concerned and on dollar amounts so far as milk is concerned.

**16.4 (192A) Definitions.**

**16.4 (1)** Stop — refers to a location. As used here, a stop is a retail food store.

**16.4 (2)** Delivery — the process of transferring a product from one location to another. If the wholesaler services a stop two times in one day, two deliveries have been made whether or not merchandise is left at the stop.

**16.4 (3)** Service time — time that can be allocated directly to a stop. This includes time for securing the order, putting up the order, servicing the case, stamping merchandise, collecting, and all other functions performed at the stop by the delivery man.

**16.4 (4) Methods of Delivery:**

a. Full Service — includes secure the order, put up the order, service the case and sometimes the storage cooler, make out the bill, accept outdated merchandise, stamping merchandise, and collect (cash, check or extension of invoice for signature).

b. Modified Drop — includes put up order, put the product in the storage cooler and preordering of merchandise. This procedure does not include checking outdated merchandise or the acceptance of outdated merchandise.

c. Drop Service — the product is prearranged in the truck for each store. The product is put on the dock or the backroom of the store. The merchandise is preordered. This procedure does not include checking outdated merchandise or the acceptance of outdated merchandise.

**16.5 (192A) Equipment.**

**16.5 (1)** Six percent annual interest means not less than six percent interest on

the unpaid balance on a declining balance. Any higher statutory rate is permitted.

**16.5 (2)** The minimum selling price on new equipment is cost plus transportation and installation cost plus six percent markup. If sold on a conditional sales contract, the minimum interest to be added is six percent interest on the unpaid balance on a declining balance. Any sale under this section requires a ten percent down payment.

**16.5 (3)** When a sale is reported, copy of the conditional sales contract or bill of sale and recording or filing number in the county where the equipment is located, is required to be attached to the report.

**16.5 (4)** Failure to collect or reposses on a conditional sale would be in violation of the Act.

**16.5 (5)** Sale must be reported within seventy-two hours after installation.

**16.6 (192A) Gifts and Promotions.**

**16.6 (1)** The general effect of sections 192A.13, 192A.14, 192A.15 of the Code is to:

a. Prohibit processors and distributors from extending payments and gifts that may buy or retain accounts.

b. Absolutely prohibit certain types of gifts and sales promotions practices.

c. Specify promotional types of activities that are lawful.

**16.6 (2)** "Free Goods", as defined in section 192A.13, means one or more items of personal property:

a. That is given gratuitously without increase in the regular purchase price of the dairy products it is offered with, or that is given gratuitously without charging the purchaser an additional sum over the regular purchase price of the dairy product it is offered with, or

b. For which the wholesaler does not receive monetary consideration from any recipient thereof. For example, it is unlawful for a processor or distributor to:

Give a retailer a free, extra quantity of selected dairy products upon his purchasing of a certain volume of product.

Supply a retailer with free merchandise to be given away by him to the consumer with the consumer's purchase of selected dairy products (balloons, pencils, coins, food products, potholders, etc.). However, there is no prohibition against a wholesaler supplying sample food products which can reasonably be expected to be consumed on the retailer's premises.

Supply a retailer with free merchandise to be sold by him in combination with or on the condition of a consumer's purchase of dairy products.

Run a "cents-off" purchase price coupon in newspapers that is redeemable at any retailer by the consumer upon his purchase of dairy product. The giving of coupons amount to an offer to give money and the redemption of

coupons is in effect, the giving of money. The result is no different than attaching a coin to a carton of milk.

Print a "refund" coupon on the package of a selected dairy product or provide a separate coupon whereby a consumer can receive a cash refund by sending the imprinted coupon or portion of package and separate coupon to the wholesaler or a third party.

Offer premiums of merchandise which the consumer may obtain by redeeming coupons printed on selected dairy products.

Offer premiums of merchandise which the consumer may obtain by redeeming coupons and paying an additional cash amount which does not fully compensate the wholesaler for the value of the merchandise.

Run a contest among its retail store accounts and give a prize to retailers for increases in volume of sales.

Reimburse a retailer for the cost of merchandise or other items of value given away by a retailer for promotional purposes.

Furnish retailers with free merchandising aids, such as tote bags for milk unless packaged at plant, recipe booklets, potholders.

Furnish retailers with the service of store personnel whose wages are paid by the wholesaler.

Price reductions, as a part of the promotion, are in violation of the statute.

Equipment may not be furnished for a promotion, which is predominantly commercial in nature, run at a retail store location, incidental to the retailer's course of business.

Furnishing of dispensers, freezers, etc., on the retail route without charge is the furnishing of free goods.

Transactions Allowed by Statute:

The furnishing of point of sale advertising material that remain inside retailer locations made of paper, cardboard or other material not of a permanent nature for use in the promotion of products of such wholesaler.

Examples: Advertising display material such as picture signs or balloons with wholesaler's name, unprinted menu forms advertising the dairy's products but not including creamers or permanent walltype menu board signs.

The furnishing of hostesses or demonstrators at any retailer's location to promote the products of the wholesaler, processor or distributor may also use equipment incidental to the function of its hostesses or demonstrators, such as equipment used for storage or for display for sale. However, such equipment must

be used only by such hostesses or demonstrators. It may not be used by the retailer for any purpose.

The advertising by a wholesaler of his own products through any advertising media he selects which does not involve allowances, payment for furnishing of other property to persons purchasing such products in a manner prohibited by this section.

Examples: Newspaper, radio or television advertising and printed material such as flyers, which only advertises the dairy and does not identify any retailer. Clock advertising signs are generally permitted under section 16.6 (1) subsection "c".

Advertising allowances which do no more than reimburse a retailer for his costs in advertising the wholesaler's selected dairy products. Payments must be in the form of reimbursement and not paid in advance.

Examples: A dairy may pay a retailer for only that portion which advertises the dairy's products. A dairy cannot pay national line rates if local advertising rates are lower.

Conduct otherwise permitted by this section.

### 16.7 (192A) Consumption on the Sale Premises.

16.7 (1) The provision in section 192A.15 of the Code "being consumed on the sale premises" means that at the retail store the dairy products given away must be in such form and quantity as they would, in fact, be consumed on the premises and when given away on the retail route at the home of the prospective purchaser, shall not exceed one quart of milk and the smallest sample carton produced of one other product.

16.7 (2) This section is also interpreted to mean that dairy may also use equipment, incidental to giving away its products. However, such equipment may not be used by the retailer for storage or display for sale. The dairy must conspicuously display that the dairy — not the retailer — is giving away the product.

### 16.8 (192A) Fees.

16.8 (1) Under section 192A.30 of the Code, fees on ice cream mix, cottage cheese and ice milk mix will be based on the milk which was processed to make the ice cream mix, cottage cheese and ice milk mix. The fee on novelties sold within the state will be based on a formula that three dozen novelties is the equivalent of a gallon of ice cream.

[Filed December 28, 1965]

## ARCHITECTURAL EXAMINERS

[Filed January 31, 1956]  
EXAMINATIONS

1. Examinations shall be in two classes known as senior and junior class examinations.

2. The Iowa state board of architectural examiners approves and adopts the Syllabus of the National Council of Architectural Regis-

tration Boards as outlined and covered under their Circular of Advice Number 3-53, "The Standard N.C.A.R.B. Examinations."

### 3. ELIGIBILITY.

a. A person to be eligible for admission to the junior examinations shall be a graduate of a five-year course in an accredited school of architecture which has been accredited by

the national architectural accrediting board and shall have had not less than three years diversified practical experience in the offices of practicing architects of approved standing.

b. Applicants for the admission to the junior examinations lacking the requirements set out in (a) above will be judged by the board on their individual merits after the applicant has submitted his application, accompanied by a council record, through the national council of architectural registration boards; however, in no case will graduates from nonaccredited schools be admitted to examinations before they have had at least five years practical experience in the offices of practicing architects of approved standing.

c. All applicants for the junior examinations shall, before final approval for admission to the examinations, appear before the board for personal interview.

d. All personal interviews shall be conducted by the board at its regular meeting preceding the meeting next held for conducting examinations.

4. SUPPLEMENTALS. Applicants for registration to practice architecture in Iowa on the basis of a transfer of credits obtained by examinations for registration in their home state, before graduation or, within a period of three years after graduation shall appear before the examining board and submit to the following supplemental examinations:

a. Graduates of an accredited school of architecture; for oral examinations with exhibits and such other examinations as may be prescribed by the board.

b. Graduates of nonaccredited schools of architecture; such supplemental written examinations as the board may deem necessary to bring their examination credits up to the equivalent of the Iowa examinations.

5. SYNOPSIS JUNIOR CLASS. The following is a synopsis of the junior examinations with values and passing requirements:

Examination A — Academic and Practical Training.\*

Value 100 points. Passing 75 points.

Examination B—Personal Audience.\*

Value 100 points. Passing 75 points.

Examination C—History and Theory of Architecture.

Value 100 points. Passing 75 points. Time: 3 hours.

Examination D—Site Planning.

Value 100 points. Passing 75 points. Time: 5 hours.

Examination E—Architectural Design.

Value 200 points. Passing 150 points. Time: 12 hours.

Examination F—Building Construction.

Value 100 points. Passing 75 points. Time: 3 hours.

Examination G—Structural Design.

Value 100 points. Passing 75 points. Time: 5 hours.

Examination H—Professional Administration.

Value 100 points. Passing 75 points. Time: 3 hours.

Examination I—Building Equipment.

Value 100 points. Passing 75 points. Time: 5 hours.

(\*N.C.A.R.B. Examinations only)

Each candidate will be informed of his grade after the examinations. Should he fail any examination, he will be readmitted to take it the next time it is conducted. He will be readmitted a third time should he again fail. A fourth time will be granted him, after the lapse of one year provided that the four attempts take place within the elapsed time of three years. Any candidate who fails to pass the complete examination comprising the seven individual examinations after four attempts or within three years will be required to submit a new examination and a new fee, and will be required to appear for a new personal audience at which time the board will determine whether he should again be admitted to the examination. [Amended May 26, 1959]

6. SYNOPSIS SENIOR CLASS. The following is a synopsis of the senior examinations with values and passing requirements:

Examination J—General Cultural Education. Value 100 points. Passing 75 points.

Examination K—Technical Training.

Value 100 points. Passing 75 points.

Examination L — Record in Practice and Professional Relationships.

Value 100 points. Passing 75 points.

Examination M—Exhibits and Oral Discussion.

Value 300 points. Passing 225 points.

Appearance: Appear before examining body with complete sets of plans and specifications for at least three different examples of candidate's executed work, plus any sketches or photographs desired.

7. USE OF THE TERM "ARCHITECT".

a. If the term, "and Associates", is used by a firm practicing architecture in Iowa under the title "Architect", each associate must be registered in Iowa.

b. Corporations may not enter into contract as architects in the state of Iowa, nor may they issue contract documents bearing the name of the corporation as architect or any of its derivative terms. All responsible officials or a corporation who engage in correspondence or who design, supervise, or administer projects under the title "Architect" within the state of Iowa must be registered in Iowa. The following designation will be acceptable on contract documents:

FOR THE BLANK CORPORATION

A. A. Smith, B. B. Jones,

and C. C. Doe, Architects

c. An architect from another state may not solicit, sign a contract, nor submit sketches within the state of Iowa using the term, "Architect," or any of its derivatives unless he is registered in Iowa. [Amended May 26, 1959]

8. [Rescinded May 26, 1959]

## AUDITOR OF STATE

Pursuant to the authority of section 536A.21 of the Code, the following rules are adopted.

[Filed October 8, 1965]

DIVISION OF INDUSTRIAL LOAN AUDITS  
CHAPTER 1

OTHER BUSINESS IN SAME OFFICE

**1.1 (536A)** This regulation shall be known as the "Multiple Business Regulation."

**1.2 (536A)** Any authorization granted pursuant to this regulation shall be conditional upon full compliance with all parts thereof.

**1.3 (536A)** Printed copies of the "Application for Multiple Business Authorization" shall be obtained from the office of Auditor of State, Division of Industrial Loan Audits, State Capitol Building, Des Moines, Iowa, 50319.

**1.4 (536A)** The printed application form shall be used by each licensee when applying for multiple business authorization.

**1.5 (536A)** All information shall be supplied in full and where space is inadequate for a full answer, a rider shall be attached.

**1.6 (536A)** The auditor of state, upon receiving a completed application from a licensee, may authorize that licensee to conduct its industrial lending business within the same office, room, suite or place of business in which any other business is conducted except that no authorization will be granted to a licensee to conduct its industrial lending business within the same office, room, suite or place of business where the sale of tangible personal property is conducted; except that the sale of repossessed property shall be allowed.

**1.7 (536A)** The auditor of state, or his duly appointed representatives, shall have the right to examine and investigate the books, accounts and records of all business conducted within the licensed industrial loan office, room, suite or place of business. All such books, accounts and records shall be made readily available to the examiners, who may investigate without prior notice.

**1.8 (536A)** An alphabetical index shall be maintained for each borrower, endorser, co-maker, surety or other party currently indebted to the licensee or to any other business operated within the same office, room, suite or place of business. The index shall show the following information:

**1.8 (1)** The name of the obligor.

**1.8 (2)** The account number assigned to the obligor's indebtedness.

**1.8 (3)** The amount of the loan or indebtedness.

**1.8 (4)** The type of indebtedness (small loan, industrial loan, insurance receivable etc.)

**1.8 (5)** Information showing if the obligor is other than a borrower.

**1.8 (6)** Sufficient information to locate all account ledger cards.

**1.9 (536A)** Account ledger cards relating to each type of business operation must be filed in separate groups. Paid-in-full or renewed account ledger cards must also be filed in similar manner and must be retained as a separate group for at least one year following the annual examination.

**1.10 (536A)** A record shall be maintained in the licensed office showing the total number and amount of the account ledger cards for each type of business conducted. This record shall be posted either daily or weekly.

**1.11 (536A)** If any person or husband and wife, individually or together, are indebted in any amount under the provisions of the Iowa small loan law, no loan shall be made to said person or husband and wife, individually or together, under the Iowa industrial loan law.

**1.12 (536A)** Any indebtedness contracted under the provisions of the Iowa small loan law must be paid in full prior to or coincident with the making of a loan under the Iowa industrial loan law.

**1.13 (536A)** If any person or husband and wife, individually or together, are indebted in any amount on a loan made under the provisions of the Iowa Industrial Loan Law, no loan shall be made to said person or husband and wife, individually or together, under the Iowa Small Loan Law unless the proceeds of the small loan, after deducting insurance premiums, exceeds two hundred dollars or more the amount necessary to pay in full the balance due on the industrial loan, after the normal rebates have been made. The proceeds of the small loan shall, to the extent necessary, be applied to pay off the balance of the industrial loan.

**1.14 (536A)** An endorser, guarantor or surety for any borrower shall be permitted to borrow only if the legal instruments which the endorser, guarantor or surety signed in that capacity read that such person "appears on this note as endorser, guarantor or surety and is responsible for the principal balance only." In the case of an industrial loan, the balance must be reduced to principal only as is provided in section 26 of the Iowa industrial loan law.

**1.15 (536A)** Advertising by any and all media for industrial loans shall also contain advertising for small loans, and likewise, advertising for small loans shall also contain advertising for industrial loans.

**1.16 (536A)** There shall be no direct or indirect indication whatsoever in any advertisements that loans made under the Iowa industrial loan law are subject to the Iowa small loan law; and likewise, no advertising for loans to be made under the Iowa small loan law shall indicate that such loans are subject to the Iowa industrial loan law.



1.17 (536A) The size and face of the type used in describing the two types of loans shall be the same.

1.18 (536A) The licensee must also maintain a complete advertising scrapbook.

1.19 (536A) If the licensee or other busi-

ness affiliate fails to comply with all conditions set forth in this regulation, the auditor of state, after granting the licensee an adequate hearing, may revoke the licensee's authorization to conduct a multiple business operation.

[Filed October 8, 1965]

## DEPARTMENT OF BANKING

### PRESCRIBING CERTAIN RULES AND REGULATIONS

#### CERTAIN RULES AND REGULATIONS

**1.1 New Bank Organization**—There must be reasonable assurance that there is sufficient volume of business in the contemplated locality to insure and maintain a successful new bank. A careful reading of chapters 526, 527 and 528 of the Iowa banking law is definitely recommended.

**1.2 Application**—The application and associated forms shall consist of the following, copies of which may be obtained from the banking department:

- a. "Application to organize a bank".
- b. "Information required in support of application".
- c. "Financial statement".

**1.3 Capital Structure**—a. Your attention is directed to sec. 528.1 of the Code.

b. When the banking premises are to be leased and funds are to be expended for leasehold improvements, or where there is to be an expenditure for banking premises and any and all necessary equipment, the proposed amount to be expended together with a plan of charge-off or prepayment of such cost, shall be submitted to the superintendent for approval before the required capital structure itself is approved by him.

**1.4 Investigation Expense** — to reimburse the department of banking for any cost of investigations that it may make or cause to be made upon its behalf, a fee at the rate of fifty dollars per day plus expenses shall be promptly paid to the department of banking upon demand by it. No such fee shall be for less than one hundred dollars.

**1.5 Articles of Incorporation**—The articles of incorporation and associated forms shall consist of the following, copies of which may be obtained from the banking department. They are articles that have been approved and are acceptable to the federal reserve system, the Federal Deposit Insurance Corporation and the state of Iowa.

- a. "Articles of Incorporation".
- b. "Amendment to Articles of Incorporation".
- c. "Certificate of Renewal".
- d. "Schedule A".
- e. "Schedule A2".
- f. "Schedule B".

g. "Oath of Directors".

h. "Notice of Special Meeting of the Stockholders".

**2.1 Management—Directors' Responsibility**—The board of directors of each bank chartered under the laws of Iowa shall in its administration of the affairs of the bank, observe and conform to well-established rules of sound banking. The board is directly responsible to the superintendent of banking for full compliance with such rules. Nonsalaried directors are entitled to a fair fee for attendance at meetings of directors if voted by the stockholders in annual meeting and approved by the superintendent of banking. Directors serving on committees appointed by the board of directors at its annual meeting may receive reasonable fees for attending such duties.

**2.2 Maintain Complete Records of Minutes of All Meetings**—It is essential to a well managed bank that such records be complete and include the record of the vote of the board of directors upon subjects considered by it, among which are compensation of officers and staff, section 528.5; authorization of loans to officers and directors, section 528.6; limitations on loans, section 528.14; examining committee reports, section 528.17; authority for members of staff to engage in other business for remuneration, section 528.86; consideration of the reports of examiners, and important communications from supervising agencies. Disregard of any of the foregoing sections of the Code will be considered as causing or contributing to an unsafe or unsound condition. The minutes of such meetings are also of historic value. Minutes shall be signed by the secretary of the board and approval, at a subsequent meeting, certified over the signature of the president or other officer presiding.

**2.3 Appointment of Committees**—The statute provides for the appointment of an examining committee whose quarterly reports shall be considered by the directors and their action recorded in the minutes. Sec. 528.17 and 528.19.

**2.4 A Prudent Dividend Policy** — Build a strong capital structure from accumulated earnings.

**2.5 A Conservative Policy of Operating Expenses**—The directors shall review the expenses at each monthly board meeting and record action taken.

**2.6 Supervise All Loans** — All loans should be well secured and sufficiently liquid to meet requirements of deposit liability. Lend only on security you know to borrowers you know and whose ability to service the loan and repay you know. A vote of approval or disapproval of loans made shall be recorded at each monthly meeting of the board.

**2.7 Supervise All Investments** — All purchases and sales of bonds shall be under the direction of the board of directors or an investment committee appointed by the board. A vote of approval or disapproval of all bond transactions shall be recorded at each monthly meeting of the board.

**2.8 Adopt a Fair Schedule of Fees for Services Rendered**—There are many services which banks perform free or for a nominal fee, which sound practice dictates should now be put on an adequate fee basis. The fee should be sufficient to cover the cost of the service and also contribute toward the overhead expense of the bank.

A careful review of fees now in vogue may suggest instances where increases should be made to keep pace with the increased cost of operation caused by higher salaries, wage and hour restrictions, higher federal taxes, deposit insurance, and other factors beyond the control of the board.

Each customer should support the cost of his own account and each community should support its own bank. Banks sell services to the community under rights granted by charter from the state of Iowa. Banks maintain many facilities which are available to customers for the use of which the beneficiary should pay. The franchise under which the bank operates entitles it to be remunerated for the use of these facilities, many of which are available locally only through the bank. Successful acceptance of a fair service schedule requires only that its reasonableness be clearly and sincerely presented. It has been demonstrated that patrons willingly pay the reasonable cost of services well performed and generally prefer to pay than accept gratuitous service.

**2.9 Elect Officers and Appoint Members of the Clerical Staff**—Only such persons as are of unimpeachable character and known to be worthy of trust and confidence, and who are capable of assuming the required responsibilities and duties should be elected or appointed to positions in an Iowa bank. Remunerate them in accordance with their ability, loyalty and the responsibility assumed. Require each of them to take vacations each year. They are on the firing line and through their daily contact with the customers of the bank reflect its policies of friendliness and service. Any officer or staff member who proves unworthy of confidence should be promptly dismissed.

**2.10 Internal Safeguards**—Dual control of the assets of the bank, and the maintenance of adequate permanent records, is only fair to those who carry the responsibility. Rotation

of work in the bank enables more than one employee to become familiar with the various duties. These precautions add to the efficiency of the staff and are excellent deterrents from any tendency to become irregular in habits or practice. Along with eternal vigilance they will keep the record of the staff members clean and promote the standing of the institution in the community.

**3.1 Banking Premises—Furniture—Fixtures—Equipment**—These should not exceed an amount that is greater than twenty-five percent or in no event shall they exceed an amount greater than thirty-five percent of the total capital structure and should be liberally depreciated each year by a sum not smaller than that which may be annually deductible for federal income tax purposes.

**4.1 Loans and Investments of Bank Funds Including Trust Funds**—All loans and investments of bank funds shall comply with the limitations and provisions of all applicable sections of the state banking laws. Among them, attention is directed to the limitations set out in sections 528.6-7-8-9-10-12-13-14-15; as well as to the provisions of section 526.25 wherein certain forms of general investments are listed; and to section 682.23 wherein certain forms of investments for trust funds are listed; as well as to sections 682.24-25-26-27-28 further governing the investment of trust funds; attention is also called to the investment provisions of sections 526.28 and 526.29 wherein limitations may be prescribed from time to time as conditions may warrant by the superintendent pursuant to authority granted in section 524.10.

**5.1 Surety Coverage** — Adequate coverage shall be maintained in an amount under any schedule that may be recommended by the insurance committee of the American Bankers Association; or by the Federal Deposit Insurance Corporation; or by the department of banking under any schedule that it may set up in the future.

**6.1 Donations and Gifts.** [Rescinded November 6, 1960]

**7.1 Miscellaneous Operations — Records** — Suitable books and records shall be kept to reflect all of the transactions of the bank in its true financial condition.

**7.2 Bond Investment Records**—*a.* The management shall retain original invoices of purchases and sales as a part of the records of the bank available for review by examiners.

*b.* A permanent record shall be maintained of all securities bought and sold showing date of purchase, sale, coupon rate, maturity, par value, description of the security, from whom purchased, to whom sold, selling price, and if, when and where pledged or deposited for safekeeping.

*c.* Unlisted securities shall be supported by full credit information.

**7.3 Credit Information**—Complete credit files shall be maintained which shall include all

available pertinent current credit information in addition to properly executed financial statements of borrowers.

a. Those whose credit line with the bank exceeds five hundred dollars whether unsecured, secured by endorsement or by chattel mortgage shall be required to furnish financial statements.

b. Where the credit of an endorser is a factor as a basis of credit, such credit information as to such endorser is necessary, though where the endorser is a person of financial standing well known to the members of the board of directors a statement signed by three of its members estimating his worth may be accepted in lieu of a financial statement.

c. Financial statements are not current unless they are as of a date less than one year past.

Current financial statements and pertinent credit information are not only valuable to the bank management but are prerequisites to an intelligent appraisal by examiners. Frank and complete credit files will save much time of the bank management and of the examiners.

**7.4 Liability Ledger**—A complete record of each borrower's loans and repayments shall be maintained in a permanent liability ledger. Such an auxiliary ledger is of inestimable assistance to the management and to the examiners who come into the bank to appraise its assets.

**7.5 Real Estate Loans**—Whether running to the bank directly or pledged as collateral, shall be supported by:

a. A written appraisal of the property signed by not less than two persons qualified as to real estate values in the community where the property is located (preferably by members of the board of directors) showing date of appraisal, amount of loan, description of the property, prior liens, and value of improvements.

b. Abstract of title showing the recording of the mortgage and of the assignment of the mortgage when applicable.

c. Evidence that taxes are current.

d. Attorney's opinion.

e. Where applicable, policies of insurance covering fire and windstorm risks with proper loss payable clauses attached.

**7.6 Loans Secured by Collateral**—Where certificates of stock or other registered securities are pledged as collateral, files shall include:

a. Certificate duly endorsed in ink or accompanied by stock power signed in ink.

b. If the collateral is registered in the name of one other than the maker or endorser, signed authority from the owner of the collateral permitting the hypothecation.

**7.7 Loans Made to Corporations** — These shall be supported by a certified copy of a resolution of the board of directors of the corporation authorizing the borrowing by the officer or officers signing on behalf of the corporation,

and such resolution shall cite the provisions of the corporation's articles and/or bylaws that grants authority to such officers.

**7.8 Loans Made to Partnerships**—Unless all partners sign the note, these shall be supported by a declaration by the partners showing the composition of the partnership and the proportion of ownership of each partner.

**7.9 Cash Items**—A permanent daily record of all cash items held over from the previous day's business, including any checks that would have caused an overdraft if not so carried, shall be maintained and made available to the department's examiners. Clearing house items on banks in the same town held for clearance the following day need not be itemized.

**7.10 Overdrafts**—a. An over draft should be granted only in extreme cases and at no time shall the aggregate amount of overdrafts exceed one dollar for each one thousand dollars of total deposits.

b. The total of each day's overdrafts shall be shown on the general ledger.

c. All checks shall be charged to the proper account the day honored and there shall be maintained a permanent daily record of all overdrafts created.

**7.11 Safe Deposit Boxes** — Section 528.65, Code of Iowa, provides for limitation of liability by adoption of proper lease contracts. Safe deposit insurance is also available. Both are important for proper protection of the bank.

a. Banks shall not retain keys to any safe deposit box leased to a customer.

**7.12 Charged-off Assets — Recoveries — Compromises or Abandonments**—Every bank shall not only keep the actual items themselves available, but also shall maintain a current, permanent and complete record of all charged-off assets; such records shall fully show the amount of any recoveries and cite any authority of directors to compromise any such assets or to abandon them.

**8.1 Act of 1951 General Assembly Requires Drafting Rules and Regulations**—With respect to the foregoing rules, as well as with respect to the following rules on the operation of bank offices, we quote from chapter 51, pp. 82, 83 and 84 (House File 606), Acts of the 54th General Assembly, approved April 11, 1951 (Chapter 17A, Code 1954), and becoming operative as law on July 4, 1951:

"Wherever in the statutes any administrative agency is empowered to make rules and regulations, said agency shall proceed as follows": [Memo: Your careful reading of such chapter 51 (chapter 17A, Code, 1954) is suggested]:

Such proposed rules and regulations must be submitted to the attorney general and when approved by him, a copy is filed in the office of the secretary of state who shall furnish a copy to the Code editor; such rules and regulations shall then be assembled in a special volume known as the "IOWA DEPARTMENTAL

RULES" and sold and distributed by the superintendent of printing in the same manner as Codes and Session Laws.

**8.2 Superintendent of Banking Authorized to Make Rules and Regulations**—As stated in the introductory paragraph of these banking department departmental rules and regulations, the superintendent of banking (sec. 524.10 of the Code) "shall be the head of the banking department of Iowa and shall have general control, supervision and direction of all banks and trust companies incorporated under the laws of Iowa and shall be charged with the execution of the laws of this state relating to banks and banking. . . . *He shall have power to adopt and promulgate such rules and regulations as in his opinion will be necessary to properly and effectively carry out and enforce the provisions of this section.*"

**8.3 Bank Offices Authorized But Branch Banking Prohibited (Sec. 528.51)**—A careful reading of section 528.51 is suggested. The following portion is exceedingly important.

The first sentence of that section reads as follows: "No banking institution shall open or MAINTAIN ANY BRANCH BANK." That sentence prohibits BRANCH BANKING in Iowa. The second sentence of section 528.51 authorizes and entirely pertains to the operation of "Bank offices":

"However, as may be authorized by and subject to the jurisdiction of the banking department any banking institution may establish an office for the *sole* and *only* purpose of receiving deposits and paying checks and performing such *other* clerical and routine duties *not* inconsistent with this section."

It thus will be noted that just two things are specifically set out in the bank office law which a bank office can do, they are: (a) for the sole and only purpose of "receiving deposits", and (b) for the sole and only purpose of "paying checks". Such bank office law goes on to authorize what may be called a category of general services but not specifying them. But what those general services may be is carefully hedged by the following language which definitely precludes the operation of a bank office getting into the field of "branch banking". We quote: "and performing such other *clerical* and *routine* duties *not inconsistent with this section.*" If any doubt arises with respect to any such clerical or routine duty that any bank might wish to perform through its bank office, it is suggested that such matter be submitted to the department of banking for a ruling.

**8.4 Some Specific Rules and Regulations—Referendum Letter Dated December 31, 1953**—No rules and regulations pertaining to bank offices would be complete without reference being made to the banking department's referendum letter dated December 31, 1953, addressed to all Iowa banks operating bank offices, asking for their suggestions pursuant to the drafting of these "bank office" rules and regulations. All such banks were given until

January 25, 1954, to make their replies. A number of helpful suggestions were received and have been included in these revised rules and regulations relating to the operation of bank offices.

Now, therefore, pursuant to the injunction set out in paragraph 8.1 above, and to bring about general uniformity in the operation of bank offices throughout the state, and also to bring about a strict compliance with the provisions and legislative intent to prevent and avoid branch banking in this state as enjoined in section 528.51 of the Code, the superintendent of banking with the advice and counsel of the other members of the state banking board, does hereby prescribe and promulgate the following rules and regulations governing the operation of bank offices in this state by state incorporated banks, and calls attention to the first sentence of the "bank office law" which when that law became effective March 19, 1931, re-enacted the same prohibition of a predecessor Iowa law against "branch banking" by saying "no banking institution shall open or maintain any branch bank":

a. No bank chartered under the laws of this state may operate any bank office without first obtaining a certificate authorizing such bank to do so, from the state banking department and issued pursuant to these rules and regulations.

b. No loan or extension of credit shall be made or renewed except by the bank itself. All such extensions of credit authorized by the bank to be extended through a bank office, shall be under the exclusive control and direction of the bank, and all original records evidencing such extensions of indebtedness and other original records relating to such credit shall be established and maintained at the bank and nowhere else. All notes, evidencing indebtedness to the bank, shall, when paid by the borrower be delivered or mailed by the bank direct to the borrower.

c. Further, all records of depositors' accounts serviced through any such bank office shall be prepared and maintained, including all actual checks, at the bank and nowhere else. Duplicate records of such accounts, if desired for convenience, may be kept available at any such bank office. Statements of checking accounts and canceled vouchers must be delivered direct to the depositor by the bank and from no other place.

d. No bank shall permit its bank office to maintain a separate account with any correspondent bank; nor permit such office to draw drafts against any such correspondent bank. Cashier's checks of the bank, rather than bank drafts, may be issued at a bank office as authorized by the bank itself; such authority also being duly recorded in the minutes of such bank.

e. Bank offices shall remain open for business at least two hours each business day, legal holidays excepted.

f. Any bank operating a bank office shall use the following form whenever and wher-

ever designating the name of the office on all its office records, including checks, window and door signs, letterheads and in any advertising of any kind whatsoever:

\_\_\_\_\_ Office  
 \_\_\_\_\_ Bank  
 \_\_\_\_\_, Iowa

**8.5 Amending Rules and Regulations**—As need may arise these rules and regulations too may be revised and amended and when done appropriate advice given, like rules and regulations pertaining to other Iowa banking laws.

**8.6 Examiners Instructed to Report Violations—New Certificates**—All state bank examiners are instructed to report any violations of, or any unauthorized deviations from these rules and regulations and any such violation or deviation shall forthwith cancel upon notice from the department of banking, the certificate under which such bank has operated its bank office or offices. The operation of bank offices in this state is henceforth presumed to conform with these revised rules and regulations and all such certificates issued prior to the effective date of these revised rules and regulations shall now be promptly returned to the department of banking for cancellation and a new certificate issued accordingly to conform with these revised Rules and Regulations.

**8.7 Violations—Penalty Severe**—Any viola-

tions of section 528.51, Iowa's antibranch bank law, an Act that also authorizes bank offices, are subject to the penalties set out in section 528.53 of the Code reading as follows:

**528.53 Violations.** Any corporation violating sections 528.47 to 528.52, inclusive, shall forfeit its charter at the suit of the attorney general, and said corporation, its officers, directors, and agents, shall be punished by a fine of not less than five hundred dollars, or imprisonment of not less than two years in the penitentiary, or by both such fine and imprisonment, at the discretion of the court.

(Memo: Duly confirmed in an opinion dated December 11, 1953, of the office of the Iowa Attorney General)

**8.8 Your Co-operation Deeply Appreciated**—The superintendent of banking and the state banking board earnestly request the continued strict compliance with the provisions of the Iowa bank office law (section 528.51 of the Code) and promulgate the foregoing rules as a helpful guide to all Iowa banks that now and that may in the future operate bank offices in Iowa. Your co-operation to better carry out the legislative intent of the Iowa bank office law, like that of all of the other Iowa banking laws, will be deeply appreciated.

**8.9 Specimen Copy of "Application for Certificate to Operate a Bank Office"**—Copies of this application form may be obtained from the state banking department:

IM: Rev. 4-54  
 PB-C 2249

APPLICATION FOR CERTIFICATE TO OPERATE A BANK OFFICE

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

Superintendent of Banking  
 State of Iowa, Department of Banking  
 Des Moines, Iowa

Dear Sir:

On behalf of our bank and pursuant to authority granted by our Board of Directors, duly recorded in the minutes of our Board meeting held on \_\_\_\_\_, 19 \_\_\_\_, this application is herewith submitted to you and to the STATE BANKING BOARD for per-

mission to open and operate a BANK OFFICE at \_\_\_\_\_, in \_\_\_\_\_ County, Iowa. The members of our Board have, as also duly recorded in said minutes, carefully read Section 528.10, Section 528.51 and Section 528.53 of the Code of Iowa, as well as the RULES AND REGULATIONS of the Department of Banking pertaining to the operation of BANK OFFICES, and thereupon have authorized the undersigned to herewith state that said Board agrees to faithfully abide by such laws and any other banking laws appertaining and by such rules and regulations, fully cognizant that any violation of, or unauthorized deviation from them, shall be cause for immediate cancellation by the Department of Banking of any such Certificate to operate a bank office that may be granted to our Bank.

Yours very truly,

\_\_\_\_\_  
 \_\_\_\_\_, Iowa

By \_\_\_\_\_  
 President Cashier

8.10 Specimen Copy of "Certificate to Operate a Bank Office."

Office Certificate No. \_\_\_\_\_

Bank No. \_\_\_\_\_

STATE OF IOWA DEPARTMENT OF BANKING

CERTIFICATE TO OPERATE A BANK OFFICE

Its application dated \_\_\_\_\_, 19\_\_\_\_, having been duly received and favorably acted upon by the STATE BANKING BOARD, authority is hereby given to the

located at \_\_\_\_\_, County of \_\_\_\_\_

State of Iowa, to operate an office at \_\_\_\_\_, County of \_\_\_\_\_, State of Iowa, in accordance with Section 523.51 and Section 523.53 of the Code of Iowa; and in conformity with the RULES AND REGULATIONS of the DEPARTMENT OF BANKING drawn pursuant to Section 524.10 of the Code of Iowa, and which RULES AND REGULATIONS are on file in the office of the Iowa Secretary of State and which now appear or which will hereafter appear in the IOWA DEPARTMENTAL RULES as required by Chapter 51 of the Acts of the 54th General Assembly, 1951. (Chapter 17A, Code of Iowa, 1954.)

GIVEN UNDER MY HAND AND SEAL OF OFFICE, at the City of Des Moines, Iowa, this \_\_\_\_\_ day of \_\_\_\_\_, A.D. 19\_\_\_\_.

Superintendent of Banking

Deputy Superintendent of Banking

(To be on display in the office authorized)

Pursuant to authority vested in the superintendent of banking by section 524.10, Code of Iowa, the following rules and regulations pertaining to BANK PARKING LOT OFFICES are hereby adopted:

[Filed May 21, 1959]

8.11 A PARKING LOT OFFICE may be established by a bank only upon land which, in addition to serving as the location for such PARKING LOT OFFICE, shall be of sufficient area and so improved as to qualify as a bona fide parking lot.

8.12 A PARKING LOT OFFICE may only be established within some reasonable distance from the bank itself. [Amendment filed January 26, 1960]

8.13 In addition to drive-up and/or walk-up teller's windows which are a part of the bank building, no bank may establish more than one PARKING LOT OFFICE which may consist of one or more off the street drive-up and/or walk-up teller's windows. [Amendment filed January 26, 1960]

8.14 Rules of the department of banking, state of Iowa, 8.1 through 8.8 pertaining to the operation of bank offices, except paragraph F of rule 8.4, shall apply also to the operation of PARKING LOT OFFICES.

8.15 Where land shall be purchased by a bank for PARKING LOT OFFICE use, section 526.34, Code of 1958, as it pertains to the approval of the superintendent of banking and rule 3.1 of the department of banking, state of Iowa, shall apply. Where land shall be leased for PARKING LOT OFFICE use, the lease and any modification, extension or renewal thereof shall be approved by the superintendent of banking prior to its becoming binding upon the proponent bank. [Amendment filed January 26, 1960]

8.16 Any bank operating a PARKING LOT OFFICE

shall identify such PARKING LOT OFFICE and maintain such identification as follows:

PARKING LOT OFFICE
..... Bank
....., Iowa

[Amendment filed January 26, 1960]

8.17 Any bank desiring to establish a PARKING LOT OFFICE shall make application to the department of banking for a CERTIFICATE TO OPERATE A BANK PARKING LOT OFFICE. The applicant bank shall furnish such information as the superintendent of banking may request to support the application. When in the opinion of the superintendent of banking it is advisable, investigation of the application will be made, in which event, rule 1.4 of the department of banking, state of Iowa, applicable to investigation expense shall apply. [Amendment filed January 26, 1960]

8.18 Specimen Copy of "Application for Certificate to Operate a Bank Parking Lot Office" -Copies of this application form may be obtained from the state banking department.

APPLICATION FOR CERTIFICATE TO OPERATE A BANK PARKING LOT OFFICE

....., 19....

Superintendent of Banking
State of Iowa, Department of Banking
Des Moines 9, Iowa
Dear Sir:

On behalf of our bank and pursuant to authority granted by Board of Directors, duly recorded in the minutes of our Board meeting

held on ....., 19..., this application is herewith submitted to you and to the STATE BANKING BOARD for permission to open and operate a BANK PARKING LOT OFFICE at ..... (address), ..... (city, town or village), ..... County, Iowa, described legally as .....

The members of the Board of Directors have, as also duly recorded in said minutes, carefully read Section 524.10, Section 528.51 and Section 528.53 of the Code of Iowa, as well as the RULES AND REGULATIONS of the DEPARTMENT OF BANKING pertaining to the operation of BANK OFFICES and BANK PARKING LOT OFFICES, and thereupon have authorized the undersigned to herewith state that said Board agrees to faithfully abide by such laws and any other banking laws appertaining and by such rules and regulations, fully cognizant that any violation of, or unauthorized deviation from them, shall be cause for immediate cancellation by the Department of Banking of any such Certificate to Operate a Bank Parking Lot Office that may be granted to our Bank.

Very truly yours,

..... (Name of Bank) ....., Iowa  
.....  
President, Vice-President  
Cashier

8.19 Specimen Copy of "Certificate to Operate a Bank Parking Lot Office":

Bank No. ....

Bank Parking Lot  
Office Certificate No. ....

STATE OF IOWA  
DEPARTMENT OF BANKING  
Certificate to Operate a  
Bank Parking Lot Office

Its application dated ....., 19... having been duly received and favorably acted, upon by the STATE BANKING BOARD, authority is hereby given to the ..... located at ....., County of ....., State of Iowa, to operate a bank parking lot office at ....., (address) (city, town or village)

County of ....., State of Iowa, legally described as .....

..... in accordance with Section 528.51 and Section 528.53 of the Code of Iowa; and in conformity with the RULES AND REGULATIONS of the DEPARTMENT OF BANKING drawn pursuant to Section 524.10 of the Code of Iowa, and which RULES AND REGULATIONS are on file in the office of the Iowa Secretary of State and which now appear or which will hereafter appear in the IOWA DEPARTMENTAL RULES as required by Chapter 51 of the Acts of the 54th General Assembly, 1951. (Chapter 17A, Code of Iowa, 1958.)

GIVEN UNDER MY HAND AND SEAL OF OFFICE, at the City of Des Moines, Iowa, this ..... day of ....., A. D., 19....

.....  
Superintendent of Banking

Pursuant to authority vested in the superintendent of banking by section 536.21, Code of Iowa, the following rules and regulations pertaining to the small loan law are hereby adopted:

[Filed September 11, 1959]

1. For the purpose of administering the provisions of section 536.2, Code 1958:

a. Printed copies of the application for license shall be obtained from the superintendent, department of banking, state of Iowa, Des Moines, Iowa. The printed application form shall be used by each applicant when applying for a license. All questions shall be answered in full and wherever space is inadequate a rider may be attached giving in full the information required.

b. Separate checks or money orders in payment of investigation fee and annual license fee must accompany the application. Each check or money order shall be made payable to the superintendent of banking.

2. For the purpose of administering the provisions of section 536.9, Code of Iowa, 1958:

a. No refund of license fee shall be made wherein a license is revoked or surrendered.

b. In order to preclude violation of any provision of the small loan Act or any general rule or regulation thereunder, it shall be the responsibility of each licensee to assure that each person in charge or employed in its place of business shall be familiar with the laws and regulations relating to the business of making, servicing and collecting loans under the provisions of the small loan Act.

3. For the purpose of administering the provisions of section 536.10 and 536.11, Code 1958, every licensee shall keep and maintain the following books and accounting records:

a. A "Loan Register" or its equivalent record which shall be the book of original entry and permanent record and which shall properly identify each account by number and cite the date of the loan and the amount of the loan.

b. An individual account ledger or card for each borrower which shall show the name and address of the borrower, the loan number, the amount and date of the loan and its maturity, rate of interest, terms of repayment, the nature of security, if any, and the dates of receipt and payment of recording fees, together with the amount of such fees. The account ledger or card shall provide space for recording payments of principal and interest, and shall be kept in such a manner as to show clearly the balance due on principal. All payments of principal or interest shall be credited promptly upon the ledger or card. If any error should be made on the individual ledger or card, appropriate corrections shall be made without erasures.

c. An appropriate filing system, which shall contain all current evidence of indebtedness or security which shall have been signed by the borrower, accommodation comaker or surety.

d. The above records and any additional records as may be used by a licensee shall be made available for examination upon request by the superintendent of banking or his designated representatives.

4. For the purpose of administering the provisions of section 536.11, Code 1958:

a. An annual report shall be prepared and submitted to the superintendent of banking for each licensed place of business located within the state of Iowa. If a company owns and operates more than one licensed office in the state, then separate reports for each licensed office and a composite statement for all licensed offices owned and operated within the state shall be prepared and submitted to the superintendent of banking. Annual reports shall be made out as prescribed by the superintendent of banking.

5. For the purpose of administering the provisions of section 536.12, Code of Iowa, 1958:

a. The words "advertisement" and "advertising" as used in these regulations, shall include all material printed, published, displayed, distributed, broadcast or televised for the purpose of obtaining applications for loans.

b. No licensee shall advertise, display or distribute mailing pieces which have a similarity or resemblance to a bank counter check, postal or express money order, U. S. currency, cash exchange certificate, cash reserve certificate, or any negotiable instrument whatsoever, or any city, county, state, or federal warrant and shall not use an envelope employing the words "Treasurer's Office" for return name and address, or which is in any manner similar to U. S. government, state, county or city envelopes used in any area.

c. No licensee shall advertise, display, distribute, broadcast, televise, or cause or permit to be advertised, displayed, distributed, broadcast, or televised, any matter whatsoever concerned with the business authorized by this chapter, which indicates that loans may be obtained in amounts greater than permitted by law.

d. Licensees shall not use blind loan advertisements, such as displaying only telephone numbers or box addresses which do not clearly indicate the identity of the licensees.

e. Licensees shall not feature in any advertisement such terms as "reduced rates" or "reduced payments" or similar phrases which apply only to a specific type of loan, unless such advertisement shall clearly state the type of loan to which such advertisement shall apply.

f. Licensees shall not employ unqualified superlatives in advertising such as "lowest rates", "lowest costs", "lowest payment plan", or "cheapest loans."

g. For the purpose of this section any individual, partnership, association or corporation who shall advertise for, solicit, or hold himself or itself as willing to make loan transactions in the amount of or for the value of five

hundred dollars or less shall be presumed to be engaged in the business provided for in section 1 of chapter 536, unless such individual, partnership, association or corporation shall be engaged in business under laws relating to banks, trust companies, building and loan associations, credit unions or licensed pawnbrokers, or corporation entitled to benefit under sections 429.11 to 429.13 inclusive.

h. No lender shall accept applications for loans or close loans at any place other than that named in the license. However, under unusual or peculiar circumstances the signature of one or more of the principal borrowers may be obtained outside of the loan office, provided that such signatures are obtained by an actual and bona fide employee of the lender, or by the spouse of the borrower.

i. A licensee shall have authority to make and complete loans by mail from the lender's licensed office. In making such loans, the lender shall mail all necessary papers to the borrower and upon completion of such papers by the borrower, the check or money order representing proceeds of the loan shall be mailed from the licensee's office.

j. No licensee shall permit any person other than a bona fide employee to complete its notes, security instruments or any other forms used in small loan transactions, nor shall any person other than a bona fide employee be permitted to accept payments on such loans except as delinquent loans may be referred to other parties for collection purposes.

k. No licensee or any of its employees shall pay or cause to be paid any commissions, fees, or gratuities to dealers or to salesmen who may refer borrowers to its loan office or offices.

l. The licensee shall explain to the borrower in general terms the contents of the note, chattel mortgage, salary assignment and any and all other papers taken in connection with the extension of a small loan. No instrument or part thereof shall be left blank for completion in the absence of and/or following signature by the borrower.

6. For the purpose of administering the provisions of section 536.13, Code 1958:

a. No licensee shall induce or permit any borrower or borrowers to split or divide any loan or loans, nor shall any licensee knowingly permit any borrower, or any husband and wife, individually or jointly, to be indebted to him under more than one contract at the same time at any one or more of his licensed offices.

b. A licensee may charge a borrower such fees as are required for filing, recording and releasing an instrument given to secure a loan only when such instrument has been filed. No fees in excess of that which is actually charged by the county recorder's office shall be collected from the borrower. A licensee may charge a borrower such fees as are required for recording an automobile certificate of title lien with the county treasurer's office. No



fees shall be charged higher than are actually charged by the county treasurer.

7. For the purpose of administering the provisions of section 536.14, Code 1958:

a. All recorded instruments, all pledges, all salary assignments and any other instruments that pertain to the loan transaction shall be returned to the borrower or borrowers marked indelibly "paid in full" within thirty days following final payment, except where existing indebtedness has been renewed or refinanced.

8. For the purpose of administering the provisions of section 536.15, Code 1958:

a. If the superintendent of banking shall grant in writing permission to a licensee to purchase sales contracts from third parties, the total indebtedness of a borrower due the licensee together with that due on contracts purchased may exceed the amount prescribed by statute provided that:

(1) The small loan and sales contracts are not made simultaneously.

(2) No licensee shall make a loan simultaneously with the purchase of a time sales contract by it or by an associate or affiliate if the debtor under both the loan and sales contracts is the same and the loan and sales contract together exceed five hundred dollars. Any loan made within fifteen days either before or after the purchase of a time sales contract to the same debtor shall be deemed to constitute a simultaneous transaction.

(3) An adequate index system shall be established and maintained by licensees for each type of business permitted in writing by the superintendent of banking in order that the examiner or examiners duly appointed by the superintendent of banking may determine that no violations of the statute exist. Such index system shall contain all current evidence of indebtedness or security which have been signed by the borrower, endorser, guarantor, or surety, except spouse as listed on the record of the borrower.

b. It shall be considered usurious and an evasion of the small loan law to permit any person as a borrower or as an endorser, guarantor or surety to owe to a licensee directly or contingently or both at any one time a sum exceeding five hundred dollars for principal, except that an endorser, guarantor, or surety for any borrower shall also be permitted to borrow not to exceed five hundred dollars if the legal instruments which the endorser, guarantor or surety signed as such are noted to read that such person "appears on this note as endorser, guarantor or surety and is responsible for the principal balance only."

**9.1 Conclusion** — All state bank examiners have been instructed to give assistance whenever their aid is requested or needed to help all of our state banks to faithfully follow out these revised rules and regulations that have been approved by the office of the Iowa attorney general and have been placed on file with the Iowa secretary of state to be later included with the rules and regulations of other de-

partments of the state government in the book of IOWA DEPARTMENTAL RULES as required by the foregoingly-mentioned chapter 51 of the Acts of the 54th General Assembly (chapter 17A, Code, 1954).

#### SMALL LOAN LAW REGULATIONS

[Filed and indexed June 6, 1962]

Rules pertaining to credit insurance in connection with loans made under chapter 536, Code of Iowa (1958) promulgated by state banking board.

No premium for credit life insurance or credit accident and health insurance shall be charged to or collected from the borrower in connection with loans made under chapter 536, Code of Iowa (1958), as amended, unless such insurance conforms to all of the conditions and limitations set out in subsections 1, 2, 3, 4, 5, 6, and 7 below:

1. Insurance may be written on the life of one borrower, but only one of them if there are two or more obligors, for an amount which shall at no time exceed the unpaid principal balance of the loan scheduled to be outstanding plus interest thereon.

2. Accident and health insurance may be written covering the disability of one borrower, but only one of them if there are two or more obligors, which insurance shall provide for the payment of monthly benefits equal to the monthly payment required by the loan contract if the insured is disabled for a period of more than fourteen days, in which event benefits shall commence with the first day of disability.

3. No credit life or credit accident and health insurance may be written for a period longer than the term of the loan.

4. If the loan contract is prepaid in full by cash, a new loan, renewal, refinancing or otherwise, a portion of the insurance premium paid by or charged to the borrower shall be rebated to him. The amount of such rebate shall represent at least as great a proportion of the insurance premium as the sum of the consecutive monthly balances of principal and interest of the loan contract scheduled to be outstanding after the installment date nearest the date of prepayment bears to the sum of all such monthly balances of the loan contract scheduled to be outstanding. This method of rebating is commonly known as the rule of 78ths.

5. All credit life insurance and credit accident and health insurance shall be evidenced by an individual policy or, in the case of group insurance, by a certificate of insurance, which individual policy or group certificate of insurance shall be delivered to the borrower and shall set forth the name and home office address of the insurer; the name or names of the borrower; the premium or amount of payment by the borrower for credit life insurance and credit accident and health insurance; a description of the coverage, including the amount and term thereof and any exceptions, limitations and restrictions; and shall state to whom the benefits shall be paid.

6. No credit life insurance or credit accident and health insurance shall be written on any loan under chapter 536, Code of Iowa (1958), unless such insurance has been ordered in writing by the borrower or borrowers. No such insurance shall be sold as a prerequisite to the making of any small loan under chapter 536, Code of Iowa (1958).

7. The maximum charges for credit life insurance and credit accident and health insurance, including the premium, permitted under this regulation shall be as follows:

(a) For credit life insurance, a maximum of one percent per annum of the amount repayable under the loan contract.

(b) For credit accident and health insurance, a maximum of two-point-two percent of the total amount repayable under the loan contract if the maturity thereof is twelve months or less and if the maturity exceeds twelve months but not more than twenty-four months, three percent of the total amount repayable under the loan contract may be charged.

(c) Notwithstanding the provisions of paragraphs "a" and "b" above, in no event shall the maximum charge for credit life and credit accident and health insurance, including the premium, exceed the maximum charge and premium that may be fixed from time to time by the commissioner of insurance of the state of Iowa.

The only interest and charges authorized and permitted in connection with loans made under chapter 536, Code of Iowa (1958), as amended, are those which do not exceed the interest and charges set out in said chapter, as

amended, and the premiums, commissions and recompense received by the lender from credit life and credit accident and health insurance written in full compliance with these regulations.

**CREDIT UNION EXAMINATION FEE  
REGULATION**

[Filed December 14, 1965]

[Effective January 1, 1966]

Pursuant to the authority of section 533.6 as amended by chapter 404, Acts of the 61st General Assembly, the following rules are adopted:

**1.1 (533) Purpose.** The purpose of this regulation is to establish fees to be paid to the superintendent of banking for making, or causing to be made, examinations of credit unions in accordance with section 533.6 as amended by Chapter 404 of the Acts of the 61st G.A., which section requires the superintendent of banking to determine the examination fee and to base the said determination upon certain costs.

**1.2 (533) Examination Fee.** The superintendent of banking has made the following determination, based upon the actual cost of the operating expense of the credit union division of the department of banking and the proportionate share of the administrative expenses in the operation of the department of banking attributable to credit unions:

(A) The examination fee of state chartered credit unions shall be as follows, and payable at the close of each examination by check payable to the superintendent of banking.

<b>Assets:</b>	<b>Basic:</b>	<b>Assets Scale:</b>
Less than \$ 25,000	\$ 25.00 plus	Nil
Over \$ 25,000—\$ 50,000	\$ 100.00 plus	4¢ per \$100 of assets
Over \$ 50,000—\$ 100,000	\$ 150.00 plus	3¢ per \$100 of assets
Over \$ 100,000—\$ 250,000	\$ 175.00 plus	3¢ per \$100 of assets
Over \$ 250,000—\$ 500,000	\$ 250.00 plus	3¢ per \$100 of assets
Over \$ 500,000—\$ 750,000	\$ 425.00 plus	2¢ per \$100 of assets
Over \$ 750,000—\$ 1,000,000	\$ 450.00 plus	2¢ per \$100 of assets
Over \$ 1,000,000—\$ 2,000,000	\$ 750.00 plus	2¢ per \$100 of assets
Over \$ 2,000,000—\$ 3,000,000	\$ 1,200.00 plus	2¢ per \$100 of assets
Over \$ 3,000,000—\$ 4,000,000	\$ 1,500.00 plus	2¢ per \$100 of assets
Over \$ 4,000,000—\$ 6,000,000	\$ 2,000.00 plus	2¢ per \$100 of assets
Over \$ 6,000,000—\$ 10,000,000	\$ 2,500.00 plus	2¢ per \$100 of assets
Over \$ 10,000,000	\$ 2,850.00 plus	2¢ per \$100 of assets

(B) Together with an annual fee as follows, payable on the December 31st asset figure and

forwarded with the annual financial statement in January of each year:

<b>Assets:</b>	<b>Maximum Fee:</b>
Less than \$ 500,000	30¢ per \$1,000 (\$15 Minimum)
Over \$ 500,000—\$ 1,000,000	\$150 plus 25¢ per \$1,000 in excess of \$500,000
Over \$ 1,000,000—\$ 2,000,000	\$275 plus 20¢ per \$1,000 in excess of \$1,000,000
Over \$ 2,000,000—\$ 5,000,000	\$475 plus 15¢ per \$1,000 in excess of \$2,000,000
Over \$ 5,000,000	\$295 plus 10¢ per \$1,000 in excess of \$5,000,000

This rule is intended to implement chapter 533, 1962 Code of Iowa.

# BLIND, COMMISSION FOR

[Filed April 26, 1960]

## 1 General provisions

### 1.1 Coverage

The state plan constitutes a description of the vocational rehabilitation program for the blind for the state of Iowa. The state plan, which provides for vocational rehabilitation services to the blind, is submitted by the state commission for the blind.

The commission accepts the following definition of blindness, and services will not be denied to any person on the grounds that he is not blind if such person meets the condition of either "a" or "b" in the paragraph: (a) Vision not more than 20/200 central visual acuity in the better eye, with correcting glasses, or a field defect in which the peripheral field has contracted to an extent that the widest diameter of visual field subtends at angular distance of not greater than twenty degrees; (b) a combination of loss of visual acuity and loss of visual field which imposes an employment handicap which is substantially that of a blind person, or a medical prognosis indicating a progressive loss of sight which will terminate in blindness as defined in "a" of this paragraph. A person who is considered blind under the terms of the definition of blindness as stated in "b" of this paragraph will be accepted for services only upon agreement with the general rehabilitation agency in this state.

Any individual who has a visual impairment but who is not eligible for services from the commission under "a" or "b" in the preceding paragraph will be referred to the general rehabilitation agency.

### 1.2 Submittal of Plan Materials

a. The director of the commission is authorized to submit plan material, plan amendments and reports direct to the office of vocational rehabilitation.

b. This plan will be amended whenever necessary to reflect a material change in any phase of state law, organization, policy, or agency operation. Such amendments will be submitted to the office of vocational rehabilitation for approval before they are put into effect or within a reasonable time thereafter.

### 1.3 State-Wide Application of Plan

This plan shall be in effect in all political sub-divisions of the state.

## 2 Scope of agency program

### 2.1 Objectives and Services

The commission shall provide such activities and services under the vocational rehabilitation plan to each eligible individual found by diagnostic study to require such services as are necessary to render the blind person fit to engage in a remunerative occupation, including: (1) Diagnostic and related services (including transportation) requested for the determination of eligibility for services and the nature and scope of services to be provided; (2) guidance; (3) physical restoration services; (4) training; (5) books and training materials; (6) maintenance during rehabilitation; (7)

placement; (8) tools, equipment, initial stocks, and supplies; initial stocks and supplies for vending stands; (9) acquisition of vending stand or other equipment, and initial stocks and supplies for small business enterprises under the supervision of the commission; (10) transportation; (11) occupational licenses; and (12) other goods and services which may be necessary.

### 2.2 Remunerative Occupation

Remunerative occupation includes: Employment in the competitive labor market; practice of a profession; self-employment, home making; farm or family work (including work for which payment is in kind rather than cash); sheltered employment, and industries or other home-bound work of a remunerative nature.

### 3 Case finding and intake

Persons desirous of services offered by the commission for the blind should contact either the commission directly or county welfare offices, local public or private service organizations, general medical practitioners, ophthalmologists or optometrists. Students of the braille and sight saving school are routinely referred to the commission for the blind at that time when commission services are considered feasible.

## 4 Eligibility

### 4.1 General Provisions

The commission assumes responsibility for determination of the eligibility of individuals for vocational rehabilitation and of the nature and scope of vocational rehabilitation service to be provided such individuals, and such responsibility will not be delegated to any other agency or individual not of the agency staff.

### 4.2 Basic Requirements

Eligibility for vocational rehabilitation will be determined upon the basis of three basic conditions: (1) The existence of blindness as defined in Section 1, according to the examination of an approved ophthalmologist; (2) the impairment constitutes a substantial handicap to employment; (3) there shall be a reasonable expectation that vocational rehabilitation services may render the individual fit to engage in a remunerative occupation. Individuals who are homebound are not excluded.

Eligibility will be determined without regard to citizenship, creed, sex, race, color or national origin of the individual.

### 4.3 Other Factors

Six months residence immediately previous to his application is required to establish eligibility for rehabilitation service. However, if the applicant has resided in the state less than six months with evident intention of becoming a permanent resident, he may be accepted.

### 4.4 Certification

a. Simultaneously with acceptance of the blind person for rehabilitation services, there will be a certification that the individual has met the basic eligibility requirements. The certified statement of eligibility will be signed and dated by the counselor.

b. For each case determined to be ineligible for vocational rehabilitation services there shall be a certificate to that effect, dated and signed by the counselor.

#### **4.5 Disabled Civil Employees of the U. S. Government**

The same standards of eligibility are applied to disabled civil employees of the U. S. government who are disabled in the line of duty.

### **5 Case study and diagnosis**

#### **5.1 Purpose**

In each case, prior to and as a basis for formulating the individual's plan of vocational rehabilitation, there will be a thorough diagnostic study which will consist of a comprehensive evaluation of pertinent medical, social, psychological, educational, and vocational factors.

The diagnostic study will be adequate to provide the basis for: (1) Establishing that a mental or physical condition is present which limits the activities the individual can perform; (2) appraising the current general health status of the individual in order to determine the limitations and capacities as far as possible; (3) determining how and to what extent the disabling condition may be expected to be removed, corrected, or minimized by physical restoration services, and; (4) selecting an employment objective commensurate with the individual's capacities and limitations.

#### **5.2 Scope of Case Study**

In each case, according to the degree necessary, the diagnostic study will include an evaluation of the individual's personality, intelligence level, educational background and achievement, vocational aptitudes and interests, employment experience and opportunities, and personal and social adjustments, and other pertinent data helpful in determining the nature and scope of services to be provided for accomplishing the individual's vocational objective.

#### **5.3 Medical Diagnostic Study**

The commission policy will be to provide in each case: (1) A complete general medical examination providing an appraisal of the current medical status of the individual; (2) examination by an ophthalmologist and other specialists in all medical fields, as needed; (3) such clinical laboratory examinations as x-rays and other indicated studies as are necessary to establish the diagnosis and to determine the extent to which the disability may limit daily living and work activity and to estimate the probable results of physical restoration services.

#### **5.4 General Medical**

a. Minimum procedures routinely required in the general medical diagnosis are: (1) Medical history; (2) determination of the physical and mental abilities and limitations of the individual including laboratory reports on blood, serological and urinalysis. All medical and eye reports must be approved by the ophthalmological and medical consultants.

b. Medical reports in lieu of securing new

medical examinations are accepted from reliable sources such as aid to the blind, state university hospitals, and doctors on the accredited list of the state medical society, which can be relied upon to provide sound information. The data requested in the general medical and eye examination report forms must be covered in the resumé.

c. (1) A medical examination report, or a medical abstract resumé, if made within six months of plan development, will be accepted as an adequate substitute for a new examination. Exception to this practice will be made only upon the advice of the medical consultant. (2) An eye report, to be acceptable, must have been made within three months of plan development unless there is an eye report from an established agency or one already on file for the individual case in the office of the aid to the blind, state department of social welfare, indicating that the disability is static and cannot be eliminated, arrested or reduced by surgery or treatment. Exception to this practice will be made only upon the advice of the ophthalmological consultant.

#### **5.5 Medical Specialty Examinations**

Examinations by a specialist in a specialty field will be secured in all cases in which there is a need for a more thorough study as indicated by the medical examination. (1) Eye examinations by accredited ophthalmologists are required. (2) In some very unusual case where the individual cannot reach an ophthalmologist, a report from an optometrist who is on the accredited list of the state department of social welfare for examinations for applicants for aid to the blind will be accepted. (3) A psychiatric examination will be secured in all cases of mental illness or emotional disturbance. A brief summary of the individual's social and vocational history will be furnished to the psychiatrist. (4) When dentistry is indicated to promote the health of the individual, the commission will provide the service. The recency of specialists' reports shall be the same as for medical reports.

#### **5.6 Diagnostic Hospitalization**

In-patient hospitalization for diagnostic purposes will be provided in cases in which the diagnostic study required for adequate understanding of the client's condition cannot be satisfactorily done on an out-patient basis.

#### **5.7 Psychological Evaluation in Mental Retardation Cases**

The commission will secure or provide psychological evaluation in all cases of mental or suspected retardation.

### **6 Rehabilitation plan for the individual**

#### **6.1 Content of Plan**

An individual plan of vocational rehabilitation will be formulated for each client accepted for rehabilitation services. The plan will be based (1) Upon the evaluation of all data secured through the diagnostic study; (2) Will specify the vocational rehabilitation objective (or tentative objective when the ultimate objective cannot be determined at the time), the services necessary to accomplish

the client's vocational rehabilitation, and the plan for providing or securing necessary services; and (3) Will be formulated with the client's participation.

### 6.2 Services to Be Provided

The plan will provide for all rehabilitation services necessary to accomplish the vocational rehabilitation, and that such services will be carried to completion so far as possible.

### 6.3 Termination or Revision of Plan

The commission will exercise its discretion in relation to the termination or revision of the individual's plan when for any reason it becomes evident that the services cannot be completed or that the client's needs have changed.

## 7 Order of selection for services

All necessary vocational rehabilitation services will be provided without delay to all handicapped individuals determined to be eligible for services. However, if a situation should develop under which vocational rehabilitation services cannot be extended without delay to all eligible clients, a plan amendment will be submitted, setting forth the criteria for order of selection of eligible clients for provision of services.

## 8 Guidance

### 8.1 Policies for Guidance of Clients

Guidance in the form of vocational rehabilitation counseling, consisting of personal interviews, letters of advisement, and other direct and indirect contacts, are provided every client by a vocational rehabilitation counselor. Beginning with the initial interview, counseling seeks to develop such relationships with the client as are conducive to helping him explore and understand his vocational problems, limitations, and potentialities and to enable him to plan and execute a program of vocational rehabilitation that will accomplish maximum adjustment and satisfaction in suitable employment. Periodic contacts are maintained for guidance and counseling purposes throughout the entire vocational rehabilitation process and continue until the individual is considered to be rehabilitated, and his case record is ordered closed. Effort is made at all times to develop the independence of the individual and to utilize collateral facilities and co-operating individuals to provide competent guidance in vocational and nonvocational areas effecting the client's program of vocational rehabilitation.

### 8.2 Methods for Evaluating Progress of Client

The individual's progress toward his vocational rehabilitation objective is evaluated by regular contacts, reports from professional personnel or agencies providing vocational rehabilitation services, reports from reliable co-operators and employers, periodic written progress reports by clients, and by the periodic review of all such information or by case staffing procedures.

## 9 Economic needs

### 9.1 Economic Need Policies

a. The commission will establish economic need for each client simultaneously with or within a reasonable time prior to provision of those services for which a needs test is required.

b. The following services are provided at the expense of the commission only when found necessary to accomplish the vocational rehabilitation of an eligible disabled person and when the disabled individual is determined to be in economic need: (1) Physical restoration services; (2) maintenance during rehabilitation (except under no circumstances is maintenance paid after a client is placed and actually receives remuneration for his employment or after thirty days from the date a client is placed in self-employment or for more than thirty days during an interruption of service or during any one illness of an acute intercurrent nature); (3) transportation (except transportation for diagnosis is not conditioned on economic need); (4) occupational licenses; (5) books and training materials; (6) tools, equipment, and initial stocks (including livestock) and supplies; equipment and initial stocks and supplies for vending stands; and necessary shelters in connection with the foregoing items; and (7) such goods and services as business licenses and reader or attendant services found necessary to render an eligible handicapped person fit to engage in a remunerative occupation.

Financial need is not a condition for the provision of any services not specifically mentioned or referred to in the paragraph immediately above.

c. The agency will maintain a written standard for measuring the financial need of clients with respect to normal living requirements and for determining their financial ability to meet the cost of necessary rehabilitation services. In the case of a client receiving aid to the blind, no further investigation is required to establish his financial need. Such information is available to the commission at all times from the department of social welfare.

d. In the determination of economic need, the commission will secure data regarding the financial circumstances of the client, including his resources, living requirements, and obligations. The client (or a responsible relative or guardian) will be regarded as the primary source of information about his financial circumstances and needs, although information from other reliable sources may be obtained if necessary.

e. All consequential resources available to the individual will be taken into account in calculating his financial need, with the exception of certain resources defined in the following section on methods of determining economic need.

### 9.2 Methods of Determining Economic Need

#### a. Need Standard

The commission maintains a written standard for measuring financial need of clients in terms of normal living requirements. This

standard is determined, following consideration of available information of the current cost of living, on the basis of the usual requirements which would provide the elements of living essential to the maintenance of the client's morale, and to permit the effective and successful undertaking of his vocational rehabilitation.

This standard consists of (1) a basic standard for determining normal living requirements for all clients and (2) adaptations of this standard to meet special circumstances. These circumstances include: (1) Special needs accompanying designated types of disabilities; (2) variations based on differences in cost of normal living requirements in different localities; (3) variations based on the nature of normal living requirements caused by the particular rehabilitation services to be provided; (4) other objectively defined circumstances affecting the requirements of individuals in those circumstances.

This standard will also be adapted to meet the need for short periods of medical care for acute conditions arising during the course of vocational rehabilitation. Treatment will be available for a period not to exceed thirty days in the case of any one illness.

Prior to the provision of services conditioned upon financial need, the commission's need standard or its modification appropriate to the defined circumstances will be applied in each case to determine the existence and extent of the individual's need. The individual will be considered in financial need if he has insufficient resources (1) to procure normal living requirements as defined by the standard, and (2) to meet the cost of necessary vocational rehabilitation services conditioned on financial need.

#### b. Client Resources

In determining the financial circumstances of the individual, the commission will identify all consequential resources actually available to him, however derived, including all resources of the client, his spouse, and, if the client is a minor, the resources of his parents. These resources consist of (1) current income, including remuneration in kind and remuneration from on-the-job training; (2) any benefits to which the individual may be entitled by way of pension, compensation or insurance; and (3) capital assets, including both real and personal property.

The commission has established policies regarding conditions under which resources are considered "actually available" to the client. Only those resources which are actually available to him for use during the period of his vocational rehabilitation will be taken into account.

The commission has established policies providing that certain defined resources of the client may be retained by him and need not be used in his vocational rehabilitation program. Resources which the client will not be expected to apply toward the cost of services involved in his vocational rehabilitation program are:

(1) Amounts specified below of capital assets, both real and personal property, provided that current income will not be disregarded.

(a) Ten thousand dollars in capital assets, other than cash, including client's shelter on basis of tax evaluation and including both real and personal property not otherwise specifically exempt.

(b) Cash assets in an amount not to exceed one thousand dollars for a single person or one thousand five hundred dollars for a married person.

(2) Resources of any type needed to meet the client's obligations for:

(a) Support of dependents (including only persons in the home for whom he has assumed responsibility, and other persons for whose support he is legally responsible) in accordance with the standard established by the agency to measure the amount in which this obligation will be recognized. This standard is determined on the basis of the usual requirements which would provide the elements of living essential to adequate maintenance of the health of the client's dependents for their participation in ordinary activities and includes, in addition to the assets set forth in item 1, the resources invested in necessary home furnishings used by dependents and resources invested in tools, equipment, and vehicles used in providing support of dependents.

(b) Obligations which the client is required by legal process to pay or which, if not recognized, would constitute a substantial obstacle to achievement of his vocational rehabilitation objective.

c. The total consequential resources actually available to the client, minus capital assets disregarded, and minus the amounts needed to meet obligations in accordance with applicable policies, will be considered to constitute the client's resources. In each case, the amount of the commission's supplementation will be the amount by which the individual's living requirements, plus the cost of services to be purchased, exceed his resources for obtaining the planned vocational rehabilitation services conditioned on economic need.

If, prior to the start of the consummation of the rehabilitation plan, it is evident that a client is in need of clothing to make it possible for him adequately to clothe himself during training or other rehabilitation program, the agency may expend whatever is necessary to provide the needed clothing.

### 9.3 Uniform Application and Equitability of Standards

The staff of the commission will be provided with written standards and instructions, and such training and supervision in their use as are necessary to achieve uniformity in applying them. Instructions as to monetary amounts for measuring the individual's normal living requirements, for recognizing obligations, for support of dependents, for amounts of capital assets that may be disregarded in

calculating resources will be included in such instructions. Standards and policies on determining financial requirements and consideration of resources will provide for equitable treatment of all clients.

## 10 Confidential information

### 10.1 Agency Regulations

The commission maintains such regulations and rules as are necessary to assure that all information as to the personal facts and circumstances of applicants or clients given or made available to the agency, its representatives, or employees in the course of administration of the vocational rehabilitation program, including lists and names and addresses and records of agency evaluations will be held to be confidential.

The use of such information and records will be limited to purposes directly connected with the administration of the vocational rehabilitation program and may not be disclosed, directly or indirectly, other than in the administration of the program, unless the consent of the client to such release has been obtained either expressly or by necessary implication. Release of information to employers in connection with placement of the rehabilitation client may be considered as a release of information in connection with the administration of the rehabilitation program. Such information may, however, be released to welfare agencies or programs from which the client has requested services, for which his consent may be presumed, provided such agencies have adopted regulations which will insure that the information will be held confidential, and can assure that the information will be used only for the purposes for which it is provided.

All such information is the property of the commission and may be used only in accordance with the agency's regulations.

### 10.2 Agency Procedures

The commission has adopted such procedures and standards as are necessary to (1) give effect to its regulations; (2) to assure that all clients and interested persons are informed of the confidential nature of rehabilitation information; (3) assure the adoption of such office practices and availability of such office facilities and equipment as will assure the adequate protection of the confidential nature of the records.

## 11 Services to individuals

### 11.1 Training and Training Materials

*a. Training.* All necessary vocational rehabilitation services will be made available to eligible individuals to the extent necessary to achieve vocational rehabilitation. Training will include vocational, prevocational, personal adjustment training, and other rehabilitation training which contributes to the individual's vocational adjustment. It also includes training provided directly by the state agency or procured from other private or public training facilities.

*b. Training Materials.* All necessary training

supplies are provided to the client including: Books, tape recorders and tapes, instruments for students taking chiropractic training, clinical coats, piano-tuning tools, aprons, and other necessary helps.

### 11.2 Physical Restoration Services

It is the policy of the commission to secure physical restoration services, when such are not otherwise available, for eligible disabled individuals to the extent necessary to achieve their vocational rehabilitation. "Physical Restoration Services" means those medical and medically related services which are necessary to correct or modify substantially within a reasonable period of time a physical or mental condition which is stable or slowly progressive, and includes: (1) Medical or surgical treatment by general practitioners or medical specialists; (2) psychiatric treatment; (3) dentistry; (4) nursing services; (5) hospitalization (either in-patient or out-patient care) and clinic services; (6) convalescent nursing or rest home care; (7) drugs and supplies; (8) prosthetic devices essential to obtaining or retaining employment; (9) physical therapy; (10) occupational therapy; (11) medically directed speech and hearing therapy; (12) physical rehabilitation in a rehabilitation facility; (13) treatment of medical complications and emergencies, either acute or chronic, which are associated with or arise out of the provision of physical restoration services, or inherent in the condition under treatment; and (14) other medical or medically related rehabilitation services.

Physical restoration services will be furnished to an eligible client only when the following criteria are met: (a) The clinical status of the individual's condition must be stable or slowly progressive (i.e., the condition must not be acute or transitory, or of so recent an origin that the resulting functional limitations effect occupational performance cannot be identified); (b) eliminate or substantially reduce the handicapping condition within a reasonable period of time; (c) the individual must be found to be in need of financial assistance in meeting the costs of the services.

### 11.3 Transportation

The agency furnishes transportation incidental to provision of diagnostic or other vocational rehabilitation services. Transportation includes: Cost of travel and subsistence during travel (or per diem allowances in lieu of subsistence) for the client and his attendant or guide when such assistance is needed.

### 11.4 Maintenance

*a. Maintenance* will be provided only in order to enable an individual to derive the full benefit of other vocational rehabilitation services that he is receiving.

*b. Maintenance grants* cover the handicapped individual's basic living expenses such as food, shelter, clothing, health maintenance, and other subsistence expenses essential to achiev-



ing the individual's vocational rehabilitation objective.

c. As needed in the individual case, maintenance may be provided at any time in connection with vocational rehabilitation services from the date of initiation of services, including diagnostic services, until such time as the client actually receives remuneration (not more than thirty days after placement) from his employment, or in the case of the client placed in self-employment, for not more than thirty days after he is so placed.

d. The commission assumes responsibility for providing as a part of maintenance amounts to cover the cost of medical care for short periods necessary to treat acute conditions arising in the course of vocational rehabilitation which, if not cared for, would constitute a hazard to achieving the individual's vocational rehabilitation objective. Such medical care shall be available for a period not to exceed thirty days in the case of any one illness.

### 11.5 Placement

The agency assumes the responsibility for the placement of all handicapped individuals accepted for vocational rehabilitation services.

The standards of the agency for determining that a client is suitably placed are:

(1) that the work performed is consistent with the client's physical, and mental capacities, interests, and personal characteristics.

(2) that the client possesses or has acquired necessary skills to perform the work successfully.

(3) that the work has reasonable permanency.

(4) that working conditions will neither aggravate the client's disability nor jeopardize the health or safety of others.

(5) that the employment provides reasonable maintenance for the client and his dependents at the highest economic level he can reasonably obtain.

(6) that if not employed full time, the employment is consistent with the client's capacity to work and produce.

(7) that the wage and working conditions conform with state and federal statutory requirements.

In each case there will be a reasonable period of follow-up after placement to assure that the vocational objective of the client has been achieved.

### 11.6 Tools, Equipment, Initial Stocks and Supplies, Occupational Licenses

Tools, equipment, initial stocks and supplies, including livestock, will be provided, as needed, in the individual case, for the operation of a business or agricultural enterprise or the pursuit of a trade, occupation, or profession by eligible clients. Tools, equipment, initial stocks and supplies will be supplied in such quantity and will be of such quality so as to give reasonable assurance of successful operation of the enterprise, performance in the occupation, or practice of the profession.

Guides and standards governing quality and quantity are developed as necessary with appropriate professional, trade, business training, and other organizations and institutions.

### 11.7 Other Goods and Services

The agency will provide a client with other goods and services as are necessary, such as an attendant or reader services. The necessary licenses to operate a profession or business for which the client was trained will be provided. In the case of licenses covering specific periods of time (such as cigarette licenses) in the controlled business enterprise program, the agency retains the right to prorate the cost monthly from the profits of the business.

### 12 Vending stands and other small businesses for severely handicapped individuals

#### 12.1 Persons to Be Served

In selection of an operator, the commission will permit no discrimination because of race, color, or creed. In order to be eligible for licensing as a stand operator, an individual must be blind according to the definition in section 1.1 of this plan. Persons to be eligible do not have to be in economic need.

#### 12.2 Policies Governing the Acquisition of Equipment and Initial Stocks and Supplies

a. (1) The commission will assist blind persons in establishing any type of small business enterprise which seems feasible. Such small business enterprise will not be under the control of the commission, but will belong to individual blind persons except for vending stands as provided hereafter in this section. (2) The commission will provide suitable vending stands and equipment for the location selected. Adequate initial stocks of merchandise also will be purchased for the use of the operator.

b. The location for vending stands shall be selected after it has been determined that the establishment of such an enterprise in that particular location will contribute to the maximum development of opportunities for the operator. The determination of the commission shall be made upon the basis of established criteria and after an evaluation of all relevant facts disclosed as a result of the comprehensive survey of that particular location. The criteria for the evaluation of the location shall take into consideration such factors as population, traffic, continued availability, and type of premises.

c. Ownership of all assets of the program will be maintained by the commission. The right, title, and interest in automatic coin machines are vested in the commission. However, if at any time any operator of a vending stand indicates a desire to purchase the equipment and stock of the stand and become an independent owner-operator, then the commission will immediately adopt rules and regulations which will permit such purchase and which will conform to the federal law and regulations.



### 12.3 Policies of Management and Supervision

The responsibility for the management and supervision of the vending stands will be vested in the commission.

No public or private agencies are used by the commission in the program.

No set-aside funds will be taken from the proceeds of vending operations, except that the operator may be required to participate in the cost of purchasing new equipment for their stands or the cost of repair or replacement of equipment.

### 13 Hearings on applicant's appeals

If an applicant or client is aggrieved by an action or inaction on the part of the counselor to whom the case has been assigned, the counselor shall inform the applicant or client of his right to a hearing before the members of the commission. The applicant or client shall set forth his complaints in writing and with a request for a hearing, submit them to the director of the commission, who in turn will present them to the members of the commission immediately. The commission, within five days of the presentation of the case, will notify the individual in writing of the time for the hearing. The applicant or client shall appear in person, or he may be represented by counsel, or he may appear in person with counsel. After hearing all testimony, the commission shall take the evidence under consideration and notify the applicant or client within five days after the hearing of the decision. The decision of the commission shall be final.

### 14 Rules and regulations governing the vending stand program

#### A. Issuance and Conditions of Licenses

1. In issuing licenses to operate vending stands, the commission will make no discrimination because of sex, race, color or creed. Preference shall be given to blind persons who are in need of employment, and to those who have resided within the state of Iowa for a period of at least one year. Licenses will be issued only to persons who are determined by the commission to be:

(a) Blind—as defined in section 403.1(p) of the federal regulations issued pursuant to the Vocational Rehabilitation Act (29 U.S.C. Ch. 4).

(b) Citizens of the United States;

(c) At least twenty-one years of age; and

(d) Certified by the commission's rehabilitation division as qualified to operate a vending stand.

2. Licenses will be issued for an indefinite period but subject to termination if, after affording the operator an opportunity for a fair hearing, the commission finds that the vending stand is not being operated in accordance with its rules and regulations, the terms and conditions of the permit, or the agreement with the operator.

3. The income from the vending machines within reasonable proximity to and in direct

competition with the vending stand will be assigned to the operator. A vending machine shall be considered to be in reasonable proximity to and in direct competition with the stand if it vends articles of a type authorized by the permit, and is so located that it attracts customers who would otherwise patronize the vending stand.

#### B. Termination of Licenses

Any license to an individual for the operation of a vending stand on federal or other property may be terminated when the commission finds that the vending stand is not being operated in accordance with its rules and regulations, the terms and conditions governing the permit, or the agreement with the operator.

#### C. Fair Hearing for Operators

An opportunity for a fair hearing will be afforded to any operator dissatisfied with any action arising from the operation or administration of the vending stand program. The following stipulations shall be included in the procedure for such hearing:

(The word "operator" includes the personal representative or next of kin in a hearing relative to the determination of the amount to be paid by the commission for an operator's ownership in the stock and equipment, in the event of the death of an operator.)

1. An operator shall have the right to be represented at the hearing by counsel or by a friend;

2. Hearings shall be held within a reasonable time after the request therefor and at a time and place reasonably convenient to the operator;

3. The operator shall have an adequate opportunity to present his case, and for cross-examination;

4. The hearings shall be held before a three-member panel composed of;

(a) one member selected by the operator requesting the hearing;

(b) one member selected by the commission representative involved in the action under question; and

(c) one member, who shall automatically become the panel chairman, selected by the first two members.

5. The decision shall be based upon the information adduced at the hearing, and the decision of the panel shall be final. A verbatim transcript of the testimony and exhibits (or an official report containing the substance of what transpired at hearing) together with all papers and reports filed in the proceedings shall be available to the operator and to the commission;

6. The decision shall be in writing and shall set forth the issue, the relevant facts brought out at the hearing, the pertinent provisions in law and agency policy, and the reasoning that led to the decision. The operator and the commission shall be furnished copies of the decision immediately upon its issuance;

7. The decision shall constitute the official action of the commission in relation to the action which was the subject of the hearing.

*D. Furnishing Equipment and Initial Stock*

The commission shall be responsible for (1) furnishing each vending stand with adequate, suitable equipment and for the maintenance and repair of such equipment, and (2) for furnishing each vending stand with adequate initial stock of merchandise.

*E. Right, Title to and Interest in Vending Stand Equipment and Stock*

The right, title to and interest in vending stand equipment and stock used in the program is vested in the state commission for the blind, except that if at any time any operator of a vending stand indicates a desire to become an independent owner-operator and purchase the equipment and stock of the stand he is operating, then the commission will immediately adopt rules and regulations which will permit such purchase, and which will conform to the federal law and regulations.

*F. Funds Set Aside From Vending Stand Proceeds*

No funds will be set aside from the proceeds of the vending stand operation, except that the operator may be required to participate in the cost of purchasing new equipment for their stands or the cost of repair or replacement of equipment.

*G. Policies Governing the Duties, Supervision, Transfer and Participation of Operators*

The proceeds of the operation of each stand shall accrue to the operator after paying operating costs.

Each vending stand operator shall agree to:

1. Perform faithfully and to the best of his ability the necessary duties in connection with the operation of the vending stand in accordance with the commission's rules and regulations, and standards issued pursuant thereto, the terms of the permit, and the agreement with the operator.
2. Co-operate fully with officials and duly authorized representatives of the commission in connection with their official program responsibilities.
3. Operate the vending stand in accordance with all applicable health laws and regulations.
4. Furnish such reports as the commission may from time to time require.

*Supervision of Operators*

The commission will provide to each operator regular and systematic supervision and in-service training in the keeping of accounts, the selection and purchase of suitable merchandise, the maintenance of a clean and attractive location, and the adoption and utilization of sound business practices and methods, to assure the greatest possible financial return to the operator and to preserve the employment opportunities for the use of successive blind persons.

*Transfer of Operators*

When a vacancy occurs the operator who has demonstrated business and managerial ability will be considered for promotion to the more profitable stand, if he so desires.

Other factors which will be given consideration relative to transfer include: Proximity of location of stand to residence of operator, family conditions, health of operator, or other pertinent data believed to be to the advantage of the operator or necessary for the success of the stand.

*H. Explanation to Operator of His Rights and Responsibilities*

The commission shall furnish to each operator a copy of these rules and regulations, and a description of the arrangements for providing services to him, which shall be read to and explained to him to assure that he understands the provisions of such documents and the provisions of the permit and any agreements under which he operates, as evidenced by his signed statement.

*AGREEMENT BETWEEN THE COMMISSION FOR THE BLIND AND THE OPERATOR OF A VENDING STAND*

In compliance with such laws and with the rules and regulations required to be issued by the commission to govern and apply to all vending stands now operating or to be established under the program, this agreement is entered into by and between ....., the operator of a vending stand, located at ..... in ....., Iowa and the Iowa commission for the blind.

This agreement, executed on ....., 19...., replaces and supersedes any and all previously executed agreements between the operator and the commission, concerning the operation of the vending stand.

In accordance with the provisions of the above laws, rules and regulations, and in order to provide the greatest possible financial return to the operator and to preserve and promote employment opportunities for other blind persons, the following standards of operation and service are included and made a part of this agreement:

1. Insofar as is reasonable and advisable the operator will conduct the vending stand as an individual business.
2. The operator will maintain a stock of merchandise equivalent to that provided by the commission.
3. The operator will confer with the commission regarding the selection of additional items or lines of merchandise and their source of supply, but will do his own buying.
4. The operator will conduct the business on a cash basis—paying cash for goods and supplies, and shall not extend credit to his customers.
5. The operator will employ sound business practices including the taking of regular inventories of merchandise, in accordance with the policy of the commission, and may request

assistance from the commission in so doing when and if help is needed.

6. The vending stand shall be in operation during the hours the building in which it is located is open for business. If this exceeds a reasonable day, the operator may employ an assistant or may make arrangements with the commission for times during the day when the stand may be closed.

7. The assistants employed by the operator should receive a fair and reasonable rate of pay, and shall have the approval of the commission. Insofar as is reasonable and to the best interest of the operator and the stand, employment should be given to the visually handicapped.

8. The operator will co-operate fully with officials and duly authorized representatives of the commission in connection with their official program responsibilities.

9. The operator will make any and all such reports as may be required by the commission.

10. The operator will perform faithfully and to the best of his ability the necessary duties in connection with the vending stand in accordance with the standards prescribed by the commission and in order to create a favorable acceptance of the vending stand program by the general public.

11. The commission will furnish all reasonable supervision, consultation, in-service training in business operation and advise the operator on problems, which may be required for the successful operation of the stand.

12. It is understood that all right, title and interest to all vending stand equipment is vested in the commission, and the commission assumes responsibility for its repair, alteration, maintenance and replacement, and the operator will take no action which would impair such right, title and interest.

13. It is understood and agreed that if at any time the operator should desire to become an independent owner-operator and to purchase the equipment and stock of the stand, the commission will immediately adopt rules and regulations which will permit such purchase.

14. It is further understood that at some future time the commission and the operator may enter into an agreement whereby the operator will assume, in whole or in part, responsibility for maintenance and replacement of equipment, if the operation of the stand becomes sufficiently profitable to warrant such an agreement.

15. If necessary, the commission will purchase such licenses and bonds for the operator as may be necessary for the operation of the stand with the understanding that the operator will pay to the commission the fees for same on a prorated monthly basis.

.....  
(Signature of Operator)

Signed for the commission

.....

.....

(Title)

### COMMERCE COMMISSION

[Formerly Board of Railroad Commissioners]

#### RULES OF PRACTICE

Promulgated under authority of the Code, Section 474.5

**Rule 1. Sessions of Board.** a. The board of railroad commissioners of Iowa shall be considered in session at the office of the said board in Des Moines, Iowa, at all times; and at any time that a quorum of the said board shall be present shall be considered a session for considering petitions, informal complaints, applications and other communications, and also for considering and acting upon any business of the commission other than complaints.

b. There shall be held regular sessions at the office of the board in Des Moines during the week, commencing on the first Tuesday of each month, except in the months of July and August, for considering and hearing and acting upon informal complaints.

c. There shall also be held at its office in Des Moines regular sessions of the board, commencing on the second Tuesday of each month, except in the months of July and August, for the hearing, considering and acting upon formal complaints and contested cases.

d. Special sessions may be held at other

times at the office of the board at Des Moines and at other places in this state when dates for the same shall have been set by the said commission, or at any other time when the entire board is present.

e. Sessions of the board to revise or change classifications, and schedules of rates wherein notice is required by publication in two weekly newspapers as required by law, shall be held twice each year on the first Tuesday in April and October. If any day designated for any of the sessions shall fall upon an election day or legal holiday then the same shall be held upon the second succeeding day thereafter.

**Rule 2. Informal Complaints.** Informal complaints are those presented to the commission which may be taken up by the commission and adjusted by correspondence through the secretary without requirement of service of notice or fixing any special date for hearing. But if such action fails to result in the adjustment of the informal complaint to the satisfaction of all parties thereto, then the said secretary shall refer the matters to the commerce counsel for investigation by him and presentation to the board for its determination of the issues

involved. If, in the judgment of the board, it seems necessary, or if either party to the said matter makes a written request for the same, a hearing of said matters shall be held before the board at its office in Des Moines at one of its regular sessions as hereinbefore provided. In the event that such formal hearing is desired, a formal complaint shall be prepared by the party complaining or by the commerce counsel, and same shall be filed and proceedings had as provided for formal complaints.

**Rule 3. Formal Complaints.** All complaints other than these defined as informal complaints must be by petition printed or written, or partly printed and partly written, setting forth briefly the facts claimed to constitute a violation of the law and the relief demanded, and which complaint must be filed by a party in interest and may be filed by any person in his own behalf or in behalf of a class of persons similarly situated, or a firm, corporation, association, or any mercantile, agricultural or manufacturing society or any body politic or municipal organization, and in which complaint the name of the carrier or carriers complained against must be stated in full and the address of the petitioner, and if presented by an attorney, with the name and address of the attorney or counsellor, which must appear upon the petition. The complainant must furnish as many copies of the petition as there may be parties complained against to be served, and four additional copies for the use of the commission and commerce counsel.

**Rule 4. Service of Notice.** The commission will cause a copy of the petition or complaint to be served upon defendant railway company or companies with notice to satisfy or answer the same at the regular session for such hearings, and as stated in said notice. It may be served personally or by mail in the discretion of the commission, and such service of notice must be had and served twenty days prior to the next regular session of the board for the hearing of formal complaints and contested matters, provided said petition shall be filed twenty days before said date. If not, then such notice must be served twenty days prior to the next succeeding regular session.

**Rule 5. Answers.** The carrier or carriers complained against must answer such complaint at least five days before the first day of the session of which due notice has been given, unless further time shall be granted by the commission for the filing of such answer. The answers must be filed with the secretary of the commission at its office in Des Moines. The answer must specifically admit, deny, or otherwise answer all material allegations of the petition and also briefly set forth the affirmative grounds relied upon to support such answer. If the defendant shall make satisfaction before answering, a written statement thereof must be filed both by the complainant or petitioner and the carrier or carriers complained against.

**Rule 6. Demurrer.** Any defendant who deems the petition of complaint insufficient to show a breach of legal duty may, instead of answering, demur thereto. And in such case the facts stated in the petition will be deemed admitted. A copy of the demurrer must at the same time be filed with the secretary of the commission. The filing of the answer, however, will not be deemed an admission of the sufficiency of the petition. Nor will the ruling on the demurrer be considered as a final adjudication of the questions raised by the demurrer; and no petition shall be held sufficient, on account of the failure to demur thereto, but a motion to dismiss for insufficiency may be made at the hearing.

**Rule 7. Amendments.** Amendments to any petition or answer to any proceeding or investigation may be allowed by the commission at its discretion.

**Rule 8. Extension of Time.** Extension of time may be granted upon the application of any party to a proceeding at the discretion of the commission.

**Rule 9. Service of Papers.** The notice or other papers which are required to be served upon the adverse party or parties may be served personally or by mail and when any party has appeared by attorney, such service upon the attorney shall be deemed proper service upon the party.

**Rule 10. Stipulations.** The parties to any proceeding or investigation before the commission may, by stipulation in writing filed with the secretary, agree upon the facts or any portion thereof involved in the controversy, which stipulation shall be regarded as evidence on the hearing.

**Rule 11. Formal Hearings.** a. The complaint or petition shall be heard at the office of the commission in Des Moines unless otherwise ordered. The witnesses may be examined orally before the commission, their testimony taken down and filed in the case, or depositions may be taken upon the notice as prescribed for the taking of depositions in the district courts of this state, and upon any stipulation made and upon documentary evidence pertinent to the questions at issue. The complainant must establish the facts alleged to constitute a violation of the law or entitle him to the relief prayed, unless the defendant admits the same or fails to answer the petition, or where the burden of proof is by statute placed upon the defendant. In case of a failure to answer, the commission will take such proof of the facts as may be deemed proper and reasonable. Oral arguments may be had by the parties with right to the commission to limit the time thereof and either party may have the right to furnish briefs, and if briefs are filed they must be either printed or typewritten, and copies thereof served upon the opposite party, and such briefs filed within the time fixed by the commission.

b. In all contested cases the petitioner will open and close the case. Each party to the hearing will be allowed to introduce such evidence as is admissible under the general rules of evidence in the district courts of the state of Iowa and such other evidence as in the judgment of the commission may be pertinent, material and admissible and in the hearing of such cases the commission will be governed by the rules and practices which obtain in the district courts of the state of Iowa, so far as the same are applicable and as herein provided.

**Rule 12. Rehearings.** Applications for reopening a case after final submission, or for rehearing after decision made by the commission, must be by petition, and must state specifically the grounds upon which the application is based. If such application be to reopen the case for further evidence, the nature and purpose of such evidence must be briefly stated, and the same must not be merely cumulative. If the application be for a rehearing, the petition must specify the findings of fact and conclusions of law claimed to be erroneous, with a brief statement of the grounds of error; and when any decision, order, or requirement of the commission is sought to be reversed, changed, or modified on account of facts and circumstances arising subsequent to the hearing, or of consequences resulting from compliance with such decision, order, or requirement which are claimed to justify a reconsideration of the case, the matters relied upon by the applicant must be fully set forth.

**Rule 13. Transcripts of Records.** The testimony in hearings before this board shall be taken by a shorthand reporter appointed by the board. The said shorthand notes shall be translated into longhand only on direction of the board of railroad commissioners, and such shorthand notes, extension or translation of the same, together with all exhibits offered in evidence, shall be filed with and become a part of the record. The board does not furnish copies of such extension or translation of said notes, or exhibits, but in the event that either party shall desire a copy thereof, the same will be furnished by the reporter, on application, at a rate not exceeding the legal rates authorized by law.

**Rule 14. Subpoenas.** Subpoenas shall be issued by the secretary of this board under seal of the board at the request of either party to any complaint or hearing, requiring the attendance of witnesses or the production of evidence, as provided by statute.

**Rule 15. Information Furnished.** The secretary of the commission will, upon request, furnish information from the files of the commission as will conduce to the proper presentation of facts material to the controversy, and the commerce counsel will, upon request, advise any party as to the form of petition, answer or other paper necessary to be filed in any case.

## RULES AND REGULATIONS APPLICABLE TO CONSTRUCTION AND OPERATION OF ELECTRIC SUPPLY AND COMMUNICATION LINES

See Code ch. 489

**Rule E-1. Safety Rules for the Installation and Maintenance of Electric Supply and Communication Lines.** The National Bureau of Standards "Safety Rules for the Installation and Maintenance of Electric Supply and Communication Lines, comprising Part 2, the Definitions, and the Grounding Rules of the Sixth Edition of the National Electric Safety Code" as "approved by American Standards Association June 8, 1960 as American Standard C2.2-1960 (UDC 621.316.9)" and as "Reprinted July 1, 1963, with correction on page 92" as hereafter modified, are hereby adopted as standard minimum requirements for the installation and maintenance of overhead and underground electric supply and communication lines in the state of Iowa, provided, however, that this rule shall not apply to electrical facilities which are in existence upon the effective date of this rule in conformance with the requirements of the order of the Iowa state commerce commission issued in Docket E-5248 dated February 10, 1942, and are hereafter continuously maintained in conformance with the provisions of said commission order.

(1) The first sentence of rule 232, B is changed to read: "Greater clearances than specified in table 1 (rule 232, A) shall be provided where required by 1, 2, 2.5 and 3 below."

(2) The following new rule designated as 232, B, 2.5 is added and inserted between rules 232, B, 2, and 232, B, 3: "Conductors Operated at Temperatures in Excess of 120° F. Under these conditions the clearances given in table 1 (rule 232, A) shall be increased by the difference between final unloaded sag at 120° F., no wind, and the final unloaded sag at the maximum temperature at which the conductor will operate, no wind, both sags calculated for the crossing span."

(3) The second sentence of rule 233, B, is changed to read: "The increase in 1, 2, 2.5 and 3 below are cumulative where more than one are applicable."

(4) The following new rule designated as 233, B, 2.5 is added and inserted between rules 233, B, 2 and 233, B, 3: "Conductors Operated at Temperatures in Excess of 120° F. Under these conditions the clearances given in table 3 (rule 233, A) shall be increased by the difference between final unloaded sag at 120° F., no wind, and the final unloaded sag at the maximum temperature at which the conductor will operate, no wind, both sags calculated for the crossing span."

Notwithstanding anything foregoing all electric supply and communication lines shall conform to the requirements of chapter 489 of the Code of Iowa pertaining to distance from buildings and crossing of railroads and all other applicable requirements of the Code of Iowa without exclusion because of specific enumeration herein.

The standard minimum requirements for the installation and maintenance of overhead and underground electric supply and communications lines herein adopted together with the provisions of chapter 489 pertaining to distance from buildings and crossing of railroads, all other applicable requirements of the Code of Iowa and any rules issued by the commerce commission to supplement the aforesaid standard minimum requirements may be referred to collectively as the "Iowa Electrical Safety Code."

[Amended September 24, 1965]

**Rule E-2. Special Situations.** Matters not coming within the provisions of these rules, or to which these rules cannot be made applicable will be given separate consideration by the commission. For good cause shown the commission may permit deviation from any rule or requirement thereof and adopt another requirement in a special case.

[Amended September 24, 1965]

**Rule E-3. Petition for Franchise.** A petition for franchise to construct, operate and maintain an electric supply line, outside the corporate limits of cities and towns, for the transmission, distribution, use and sale of electric current, shall set forth the following:

(1) The name of the individual, company, corporation, city or town asking for the franchise.

(2) The principal office or place of business of the petitioner.

(3) The starting points, routes and termini of the proposed lines, accompanied by copies of two maps or plats showing such details.

(4) A general description of the public or private lands, highways, and streams over, across or along which any proposed line will pass.

(5) General specifications as to materials and manner of construction.

(6) The maximum voltage to be carried over each circuit.

**Common Use Construction**—Where two or more electric supply lines are to occupy the same highway, all electric supply circuits shall be attached to the same or common line of poles unless the Iowa state commerce commission authorizes construction of separate pole lines.

**Rule E-4. Petitions for Authority to Increase the Operating Voltage or Attach an Additional Electric Supply Circuit.** A. No individual, company, corporation, city or town shall increase the operating voltage of an existing electric supply circuit, or attach an additional electric supply circuit to an existing electric supply line, for the transmission, distribution, use and sale of electric current for lighting, power and heating purposes, which is located upon public highways or grounds outside the corporate limits of cities and towns in the state, without first procuring from the Iowa state commerce commission a certificate granting authority for this improvement.

B. Any individual, company or corporation authorized to transact business in the state, including cities and towns, may file a verified petition asking for authority to increase the operating voltage of an existing electric supply line, or to attach an additional electric supply circuit to an existing electric supply line, for the transmission, distribution, use and sale of electric current for lighting, power and heating purposes outside the corporate limits of cities and towns in the state.

The petition shall set forth the following:

(1) The name of the individual, company, corporation, city or town asking for the certificate.

(2) The principal office or place of business of the petitioner.

(3) A general description of the public or private lands, highways, and streams over, across or along which the existing electric supply line is located.

(4) Two maps on which shall be shown the starting point, route and terminus of the proposed improvement. These maps shall show the same information as is required on maps with a petition for franchise, as is provided in this order.

(5) General specifications as to the material used in the existing electric supply line and materials which will be used in constructing the proposed improvement and the manner of construction.

(6) The maximum voltage carried over the existing electric supply circuit and the maximum voltage to be carried over the proposed improvement.

(7) The name and address of the individual, company, corporation, city or town to whom the franchise was granted to construct, operate and maintain the existing electric supply line and the date when the franchise was issued.

**Rule E-5. Maps to Be Filed With Petition.** Maps accompanying a petition shall be drawn to a scale of one inch per mile, must be of a permanent nature and shall show the following:

(1) The starting point, route and terminus of the proposed electric supply line.

(2) Highways shall be indicated by a single solid line.

(3) The side of a section which is not bounded by a highway shall be indicated by a single broken line.

(4) The number of each section.

(5) Township and range numbers shall be indicated on each side of the map.

(6) The margin or side of the highway on which the proposed electric supply line will be located.

(7) The voltage of the proposed electric supply line shall be designated, and in a petition for franchise where the proposed line will be constructed with more than one circuit, the voltage of each circuit shall be designated.

(8) Fractional miles of proposed electric supply line shall be indicated by scale.

(9) The boundary limits of villages and subdivisions of land as platted, and the corporate limits of cities and towns shall be indicated on the maps.

(10) The margin or side of the highway on which electric supply and communication lines are located that will be paralleled or crossed by the proposed electric supply line, and the location of all railroad rights of way, which will be crossed or paralleled in close proximity thereto, by the proposed electric supply line.

(11) The number of (a) communication wires which will be crossed, paralleled by or in joint use with the proposed electric supply line, with the name and address of the owners of such communication lines; (b) electric supply lines, stating the operating voltage of each circuit, which will be crossed or paralleled by the proposed electric supply line, with the name and address of the owners of such electric supply lines; and (c) the name and address of the owners of railroad rights of way which will be crossed or paralleled in close proximity by the proposed electric supply line.

**Rule E-6. Notice to Owners of Land and Others.** Where a petition for a franchise to erect, operate and maintain an electric supply line for the transmission, distribution, use and sale of electric current, seeks to use lands other than highways (except where easements have been acquired) petitioner shall, in addition to statutory notice of hearing, give notice in writing of the time and place of such hearing to the owners of record and the parties in possession of the lands, by either registered or certified United States mail, addressed to their last known address, which notice shall be mailed no later than 5 days after the date of second publication of the official notice of hearing concerning the petition. Not less than five days prior to the date of hearing, the petitioner shall file with the Iowa State Commerce Commission, postoffice receipt for either registered or certified articles bearing its registry or certificate number showing mailing of said notice as provided herein.

[Amendment filed December 14, 1965]

**Rule E-7. Notice of Construction, Major Operating or Circuit Change of an Electric Supply Line.**

**Advance Notice.** A. Each individual, company, corporation, city or town filing a petition with the Iowa State Commerce Commission for a franchise to construct, operate and maintain an electric supply line shall give notice in writing, accompanied by a map showing the route of the proposed electric supply line to interested parties who will be involved in a crossing or parallel on the same highway or in close proximity thereto. One copy of each letter of notification or a written statement showing the name, address and date of letter, shall accompany the petition when it is filed with the Iowa state commerce commission.

B. In a situation where an additional electric

supply circuit is to be added, or the operating voltage is to be increased on an existing electric supply line, or major operating or circuit change is to be made on an existing electric supply line, a written notice and map shall be given to all interested parties at the time when the petition for authority to make such an improvement is filed with the Iowa state commerce commission.

**Advanced Notice on Deferred Construction.**

In a situation where a proposed electric supply line is not constructed within six months from the date of granting the franchise or the additional circuit is not attached or the voltage is not increased on an existing electric supply line within six months from the date of granting the certificate for such an improvement, then the party holding the franchise or certificate shall again notify in writing all interested parties not more than sixty days and not less than seven days before construction will start on the improvement.

**Rule E-8. Reporting Accidents.** A. Any person, company, corporation, city or town operating electric supply lines which are located outside the corporate limits of cities and towns, shall report in writing to the Iowa state commerce commission, all accidents to employees or other persons resulting in fatalities or second or third degree burns involving several areas or an extensive area of the body surface caused by contact with energized parts of an electric supply line, and fatal accidents or fractures, dislocations or internal injuries resulting from a fall or from other cause, and such written report shall indicate the following information:

(1) The name, address and age of the person or persons involved in the accident.

(2) The time and place where the accident occurred.

(3) The cause of the accident in detail.

(4) The name of the individual, company, corporation, city or town operating the electric supply line.

B. A written report of the accident shall be filed in the office of the Iowa state commerce commission within forty-eight hours of the time the accident occurred.

**Rule E-9. Joint Use Lines Supporting Electric Supply and Communication Circuits.** In situations where the Iowa state commerce commission has jurisdiction and it is mutually agreeable between both the electric supply and communication companies, communication circuits may be attached to electric supply lines, provided an agreement in writing signed by an authorized representative of the communication company has been filed with the electric supply company to the effect that the communication company will comply with the rules of the National Electrical Safety Code covering joint use construction applicable to the situation, or situations, covered in said written agreement.



**Rule E-10. Operation and Co-ordinative Methods Applicable to Electric Supply Systems.**

1. *General.* A. These general rules for operation, co-ordination and co-operation shall supplement the "Iowa Electrical Safety Code" as defined in Rule E-1 foregoing.

[Amended September 24, 1965]

B. The means of avoiding or reducing inductive effects such as are outlined below shall be applied in each case in so far as is practicable for the sufficient reduction of inductive interference. In case the parties of interest shall, in any case, fail to agree upon the application of these means to a specific case the matter shall be referred to the Iowa state commerce commission.

2. *Location of Lines.* A. Location of Electric Supply Lines. (1) Electric supply lines and communication lines shall be located on opposite sides of the highway and separated as far as practicable within highway limits. When electric supply and communication lines are located on private rights of way the horizontal separation shall, if practicable, be of such distance that no structure conflict will be created. In the event it is not practicable to obtain such a separation when these lines are on private rights of way and the parties involved can reach an agreement with regard to the conflict or joint use of poles, no further action is necessary. In the event no agreement can be reached the matter shall be referred to the Iowa state commerce commission.

(2) Electric supply lines shall be constructed on one side of the highway so that the other side of the highway may be used by communication lines, except as otherwise approved by the Iowa state commerce commission.

(3) Crossings from side to side of a highway should be avoided as far as practicable.

B. *Recommended Location of Communication Lines.* (1) It is recommended that communication companies furnish pertinent data regarding new construction and major improvements of communication lines to companies operating electric supply lines involved in crossings, conflicts and inductive exposures.

(2) Communication lines should be constructed on one side of the highway so that the other side of the highway may be used by electric supply lines.

(3) Crossing from side to side of a highway should be avoided as far as practicable.

3. *Avoidance of Parallels.* The route of a proposed electric supply line shall be selected, where reasonable and practicable, so as to avoid creating parallels with long distance communication lines, even though this will necessitate a reasonable increase in the initial construction cost of the electric supply line.

4. *Relocating a Communication Line.* When an electric supply line is to be constructed in a location occupied by a communication line, the expense of relocating the communication

line shall be borne by the electric supply company. The electric supply company shall not be required to pay any part of the used life of the communication line, but shall pay only the net nonbetterment expense of relocating the communication line.

5. *Apportionment of Expenses.* The expense to be paid by an electric supply company whose line is, or will be, involved in a crossing, conflict, parallel or inductive exposure with a communication line, in order to reduce a hazard or inductive interference (except for changes to be made in a ground return telephone circuit to mitigate inductive interference) shall be in accordance with the rules of the Iowa state commerce commission; but in case the parties involved cannot agree as to the expense which should be paid by the electric supply company then the same shall be referred to the Iowa state commerce commission for determination.

6. *Definitions.* For the purpose of these rules, the following terms are used with meanings as given in these definitions:

*Inductive Co-ordination.* The location, design, construction, operation and maintenance of electric supply and communication systems in conformity with harmoniously adjusted methods which will prevent inductive interference.

*Physical Co-ordination.* The location, design, construction, operation and maintenance of electric supply and communication systems in conformity with harmoniously adjusted methods which will prevent physical interference.

*General Co-ordinative Methods.* Those methods reasonably available for general application to electric supply or communication systems which contribute to physical and inductive co-ordination without specific consideration to the requirements for individual exposures.

*Specific Co-ordinative Methods.* Those additional methods applicable to specific situations where general co-ordinative methods are inadequate.

*Inductive Exposure.* A situation involving electric supply and communication circuits where the conditions are such that inductive co-ordination must be considered.

*Inductive Interference.* An effect due to the inductive influence of an electric supply system, the inductive susceptiveness of communication system, and the inductive coupling between the two systems, of such character and magnitude as to prevent the communication system from rendering satisfactory and economical service.

*Inductive Influence.* Those characteristics of an electric supply circuit with its associated apparatus that determine the character and intensity of the inductive field which it produces.

*Inductive Susceptiveness.* Those characteristics of a communication circuit with its associated apparatus that determine the extent to which its operation may be affected by inductive influence.



*Coupling.* The interrelation of electrical circuits by electric or magnetic induction, or both, or by conduction through a common earth path, or by combinations thereof.

*Physical Exposure.* A situation involving electric supply and communication facilities where the conditions are such that physical co-ordination must be considered.

*Physical Interference.* A condition arising from the physical relationship of electric supply and communication facilities which by reason of the possibility of contacts or conduction between the respective facilities, or by reason of their proximity, prevents the safe and economical operation of either system.

*Conflicts or Conflicting Construction.* Situations where two separate pole lines parallel each other in close proximity under conditions defined more specifically in the National Electrical Safety Code.

*Discontinuity.* A point at which there is an abrupt change in the physical relations of electric supply and communication circuits or in electrical constants of either circuit.

Transpositions are not rated as discontinuities, although technically included in the definition, because of their application to co-ordination.

*Transposition.* A transposition is an interchange of the position of conductors of a circuit between successive lengths.

*Metallic Communication Circuit.* A metallic communication circuit is a circuit in which the current flows in adjacent metallic conductors and ground connections are not used except through relatively high impedances for protection or signaling.

*Ground-Return Circuit.* A ground-return circuit is a circuit which has a metallic conductor between two points and the circuit is completed through the ground or earth.

*Parallel.* Parallel means a situation where an electric supply line and a communication line follow substantially the same route and create an inductive exposure, but the horizontal separation between these lines is of sufficient distance so that no conflict is created.

*Interested Parties.* Interested party means any individual, company, corporation, city, town or railroad company operating electric supply lines, communication lines or line of railroad tracks which will be involved in a crossing, parallel, inductive exposure or conflicting situation on the same highway or in close proximity thereto or upon private rights of way on account of the construction of a proposed electric supply line or a major change in construction or operating features of an existing electric supply line.

#### GENERAL CO-ORDINATIVE METHODS

7. *Residual Currents and Voltages.* Residual currents returning in the earth or by remote metallic paths, and residual voltages, shall be limited as far as practicable.

Unsymmetrical loads, which give rise to such residual currents and voltages, shall be avoided as far as practicable.

8. *Discontinuities.* Discontinuities shall be limited to the number required by the conditions.

9. *Insulation.* The insulation of electric supply lines and equipment shall be in accordance with good modern practices.

10. *Operating and Switching.* In all switching operations, care shall be taken to limit the production of transient disturbances.

Care shall be taken to avoid re-energizing a faulted circuit at normal voltage an excessive number of times even if done in order to locate or clear the fault. This does not preclude reclosing a circuit breaker several times immediately following a circuit breaker operation.

11. *Connections.* Care should be taken to avoid contact resistance which might increase the inductive influence.

12. *Lines.* A. In order to limit the residual currents and voltages arising from line unbalances, the resistance, inductance, capacitance and leakage conductance of each phase conductor of a circuit in any section shall be as nearly equal as practicable to the corresponding quantities in the other phase conductors in the same section.

Induction motors and generators shall be selected so that their harmonic voltages and currents, as far as practicable, will not increase the inductive influence of the system to which they are connected. Care should be taken in the selection and use of rotating machinery to obtain, as far as necessary and practicable, electrical balance.

B. Rectifiers, Arc Furnaces and Other Apparatus. Rectifiers, arc furnaces and other apparatus which distort the voltage or current wave form of an electric supply circuit involved in an inductive exposure, shall be equipped when and as necessary and practicable with suitable auxiliary apparatus to mitigate such distortion.

C. Capacitors. When capacitors are connected to an electric supply circuit or circuits, consideration shall be given to their location and effect on power system influence in an inductive exposure.

D. Transformers. In order that the wave form of voltage and current may be affected as little as practicable by transformers, such apparatus shall be so designed as not to require operation at excessive magnetic densities. In the installation, connection and operation of transformers, care shall be taken to avoid the use of normal voltages in excess of rating that would result in excessive magnetizing currents.

Where a three-phase electric supply circuit is connected to the wye-connected windings of transformers with grounded neutral, or to wye-connected auto-transformer with grounded neutral, consideration shall be given to the use of stabilizing windings (tertiary) or other suitable means for adequately limiting the triple harmonic components of residual currents and voltages.

Care shall be taken that the individual units in each bank of transformers, operated with a grounded neutral and connected to a three-phase supply circuit are substantially alike as to electrical characteristics and that they are similarly connected.

**E. Circuit Breakers.** Each circuit breaker controlling the supply of electric energy to transmission circuits shall have all of its poles arranged for gang operation, except when arranged for rapid opening and reclosing of a single phase to clear a phase to ground fault.

These circuit breakers shall be automatic for short-circuits between phases and, in the case of systems operating with a grounded neutral, from phase to ground. They shall be of a type which will disconnect the faulty circuit in as short a time as practicable.

**F. Protective Apparatus.** Protective apparatus shall be such that it will not unnecessarily add to transient disturbances and shall, as far as practicable, avoid or limit such transient disturbances.

**G. Ground Connection** (except those employed as return in connection with electric traction systems). Ground connections if employed on apparatus connected to electric supply circuits, shall be made at balanced or neutral points. This precludes the use of ground return electric supply circuits.

#### *SPECIFIC CO-ORDINATIVE METHODS*

The specific practices which follow are to be used, in so far as may be necessary and practicable, in situations requiring inductive or physical co-ordination, in addition to the general practices.

It is not intended that all of these practices should be applied in any specific case. In each instance that practice or those practices shall be selected, which, in combination with the methods that are to be applied to the communication facilities, will afford the best engineering solution.

The conductivity of a multigrounded neutral conductor of an electric supply circuit shall be adequate for the load which it is required to carry. The conductivity of a multigrounded neutral conductor of a single phase electric supply circuit shall not be less than sixty per cent of that of the phase conductor with which it is associated. In no case shall the resistance of such neutral conductor exceed three and six-tenths ohms per mile. (This does not modify the mechanical strength requirements for conductors as provided in the National Electrical Safety Code.)

In an inductive exposure involving communication or signal circuits and equipment where the controlling frequencies are three-hundred sixty cycles or lower, the neutral conductor shall have the same conductivity as the phase conductor with which it is associated.

Some of the methods and means for limiting unbalance in lines are described below:

**A. Configuration.** Where there is a choice between two or more configurations of a circuit

or a group of circuits, that configuration shall, where practicable, be chosen which will provide the superior balance.

**B. Phase Arrangement.** Certain phase arrangements of multiple circuit lines that are especially effective in reducing the inductive influence shall, where practicable, be employed.

**C. Transpositions.** The capacitances and inductances of the phase conductors of a circuit shall be suitably balanced by transpositions, as far as necessary and practicable.

**D. Branch Circuits.** Where branch circuits employing less than the total number of phases are to be used, they shall, where practicable, be so planned as not to give rise to excessive residual current returning in the earth or by remote metallic paths, or to excessive residual voltages. Distributing the branch circuits among the phases of the main circuit so as to obtain as nearly as practicable equality of their lengths and loads throughout the main circuit, will aid in accomplishing this result.

**13. Three-Phase, Four-Wire Circuits With Multigrounded Neutral.** On three-phase, four-wire circuits with multigrounded neutral, single-phase and open-wye loads shall be limited in size and distributed among the phases to limit, as far as necessary and practicable, the unbalanced load current.

**14. Overhead Ground Wire.** Where overhead ground wires are to be installed on electric supply lines, consideration shall be given to the utilization of such kind and size of wire as will aid in providing the most satisfactory co-ordination. Frequently those characteristics which are beneficial from a co-ordination standpoint, during abnormal conditions on the electric supply line have adverse effects during normal operating periods. Therefore, the relative importance of both normal and abnormal effects must be considered in each installation.

**15. Apparatus. A. Rotating Machinery.** Synchronous machines shall be specified and selected so as to have a wave form in which the harmonic components are limited as far as practicable.

Where three-phase generators having grounded neutrals are to be connected either directly or through wye-wye connected transformer banks to three-phase electric supply circuits, means shall be used to suppress triple harmonics as far as necessary and practicable.

**16. Lines. A. Configuration.** Where physical and economic conditions permit a choice of configuration of electric supply circuits within inductive exposures the configuration selected shall be such as to most effectively limit the inductive influence.

**B. Co-ordinated Transpositions.** Where co-ordinated transpositions are necessary to reduce inductive influence electric supply circuits shall be transposed within the inductive exposure. Such transpositions shall be located and installed so as to obtain the best practical co-ordination, due consideration being given to existing transpositions throughout the electrical supply and communication circuits.

17. *Apparatus.* A. Wave Shape. Special means and devices for reducing the amplitude of harmonic voltages and currents on electric supply systems involved in inductive exposures shall be used where necessary and practicable.

B. Circuit Breakers. Electric supply circuits involved in physical or inductive exposures shall be equipped with automatic circuit breakers or their equivalent.

C. Fuses. In the higher voltage distribution systems, consideration should be given to the use of fuses where branch lines leave the main line.

18. *Current Limiting Devices.* Consideration shall be given to the use of current limiting devices in either the line wires or the neutral-to-ground connection of electric supply circuits.

19. *Shielding.* Consideration shall be given to the installation of shield wires in inductive exposures. In order to obtain the full benefit of such shield wires, they must be effectively grounded at both ends of the exposures and at frequent intervals within the exposures.

20. *Branch Circuits.* Consideration should be given to the isolation of branch circuits consisting of less than the total number of phases of the main circuit by means of transformers, when such main or branch circuits are involved in inductive exposures.

#### Rule E-11 Notice of Transfer or Assignment of Franchise

The holder of a Franchise shall notify the Iowa State Commerce Commission in writing, when transferring any franchise or portion of a franchise, stating the applicable franchise number and docket number which are affected and a description of the route of the transmission line when less than the total franchised line is affected, together with the name of the transferee and date of transfer within 30 days of the effective date of transfer.

[Filed December 14, 1965]

#### RULES AND REGULATIONS APPLICABLE TO TRUCK OPERATORS AND CONTRACT CARRIERS

[Filed November 30, 1960]

**Rule MT1.** These rules and regulations are subject to such changes and modifications as the commission from time to time may deem advisable in accordance with the provisions of Chapter 17A, Code 1958.

**Rule MT2.** Motor carriers authorized to operate under chapter 325, truck operators authorized to operate under chapter 327, and contract carriers authorized to operate under chapter 327, shall not operate under more than one certificate of convenience and necessity or permit (viz. as a motor carrier, as a truck operator or contract carrier) where such operation is construed by the commission as circumventing the law.

Any commodity which is authorized to be transported under a certain certificate of convenience and necessity shall not be transported over routes authorized in said certificate by

virtue of a truck operator or contract carrier permit held by the holder of said certificate nor shall a like commodity be transported under a truck operator permit and a contract carrier permit which is held by the same person.

**Rule MT3. Person Defined.** The word "person" when used in the law or the rules and regulations of the commission will be construed by the commission as including any individual, firm, co-partnership, joint adventure, association, corporation, estate, trust, business trust, receiver, or any other group or combination acting as a unit and the plural as well as the singular number.

**Rule MT4. Application.** Application for a permit to operate as a truck operator or contract carrier shall be made to the Iowa State Commerce Commission, Des Moines, Iowa, on forms prescribed for that purpose and furnished upon request.

A. An application for a truck operator permit must be accompanied by:

(1) Liability, property damage and cargo insurance policy or policies, certificate of insurance or surety bond in accordance with section 327.15, Code 1958.

(2) Two copies of tariff or power of attorney.

(3) The annual permit fee as provided in Rule MT6.

B. Application for a contract carrier permit must be accompanied by:

(1) Liability and property damage insurance policy or policies, certificate of insurance or surety bond in accordance with section 327.15, Code 1958. (Cargo insurance not necessary.)

(2) A copy of each transportation contract which the applicant has entered into.

(Section 327.1, Code 1958, subsection 5 reads in part as follows: "'The terms 'individual written contract' shall mean an agreement in writing between a contract carrier and a shipper, effective for a duration of at least three months, imposing mutual obligations to tender freight and perform transportation, specifying the charges\*'.")

(Not applicable to applications made under the provisions of section 327.23, Code 1958.)

(3) Annual permit fee as provided in rule MT6.

**Rule MT5. Filing of Contracts Other Than With Application.** Whenever a contract carrier enters into a new transportation contract after having been issued a permit, said carrier shall file a copy of said new contract with the commission before transporting any property for the shipper. Every contract carrier operating under a permit issued by the commission prior to January 31, 1961, shall, on or before March 1, 1961, file with the commission a copy of each transportation contract under which said contract carrier is operating on January 31, 1961, or under which said contract carrier will operate after January 31, 1961. (This Rule does not apply to contract carriers

operating under the provisions of section 327.23, Code 1958.)

**Rule MT6. Annual Permit Fee.** Application for a permit shall be accompanied by a remittance in the amount sufficient to pay the annual permit fee of five dollars for each motor truck described on form attached to application.

The remittance will cover the permit fee for each motor truck described from the date the permit is issued until the thirty-first day of December of the year in which the permit is issued.

The annual permit fee should be remitted to the commission in form of a certified check, bank draft, cashier's check, express money order or postal money order, payable to the Iowa state commerce commission.

The annual permit fee of five dollars for each motor truck for each year, after the year in which the permit is issued, shall be due and payable on or before the first day of January of each succeeding year and shall be remitted in the form prescribed in paragraph 2 of this rule.

**Rule MT7. Equipment Changes or Additions.** Before placing any additional motor trucks in service, the holder of permit shall pay the commission the annual permit fee and furnish a complete description of such motor truck, together with information as to the time to be placed in service. Description shall show make of equipment, license number, factory number and year built.

**Rule MT8. Fee Receipt.** The holder of a permit shall be furnished a receipt for each permit fee paid. The receipt shall be carried with the described motor truck at all times.

**Rule MT9. Holders of Interstate Permits.** Application for a permit governing strictly interstate operation shall be made on the forms prescribed. Chapter 327, Code 1958, together with the rules and regulations thereunder adopted by the commission insofar as may be applicable governs holders of permits affording service of a strictly interstate character.

Holders of permits of a strictly interstate character need not file with the commission evidence of cargo insurance required by Rules MT3 and 13, nor comply with the provisions of Rule MT21 of these rules and regulations. Rule MT6 is not applicable to truck operators and/or contract carriers operating interstate exclusively as to trucks licensed and domiciled in states reciprocal with Iowa on a comparable fee.

**Rule MT10. Transfer of Permit.** A truck operator permit or a contract carrier permit may be transferred if the transferee does not hold a like permit. Application for the commission's approval of proposed sale and transfer of a permit must be filed with the commission on form prescribed and furnished by the commission, signed and sworn to by all parties. Insurance prescribed by law must be filed by transferee. (See section 327.15, Code

1958.) Current permit fee receipt describing equipment to be transferred with permit must be returned. Permit fee for new equipment to be operated by transferee must accompany the application. The commission will not approve transfer of truck operator permit until transferee has complied with Rules MT13 and MT21.

**Rule MT11. Manner of Marking Equipment.** Before placing any equipment in service, there shall be painted on each side of trucks, trailers, or semi-trailers (and/or on "Head Board") or on some suitable material securely placed on each side of such equipment, in letters and figures large enough to be easily read at a distance of fifty feet and in a color in contrast to the background the following:

- (a) Name of truck operator or contract carrier.
- (b) Address of truck operator or contract carrier.
- (c) "Ia. C. C. P....."  
(Permit Number)

**Rule MT12. Reports of Accidents.** When requested by the commission, truck operators and contract carriers shall file with the commission an immediate report, plainly written or typed on one side of the paper, on accidents arising from, or in connection with, the operation of equipment, which result in injury to any person or in damage to any property exceeding the sum of fifty dollars, and shall set forth such information as required by the commission.

**Rule MT13. Insurance Requirements.** Each truck operator and contract carrier shall at all times maintain on file with the commission effective insurance policy, policies, or surety bond, made out in accordance with these rules and regulations, with limits required by chapter 327, Code 1958, with respect to the motor trucks used in furnishing truck operator service and/or contract carrier service under a permit of the assured.

Such policy, policies or surety bond shall be written for a period of one year or more. A certificate of insurance in a form prescribed by the commission may be filed in lieu of a policy.

**Rule MT14. Endorsement for Policy.** Every policy filed or for which a certificate of insurance is filed with the commission shall have attached thereto the prescribed and applicable required endorsement or endorsements.

**Rule MT15. Certificates of Insurance.** Certificates of insurance filed with the commission for truck operators and contract carriers in lieu of insurance policies written for limits as prescribed by chapter 327, Code 1958, shall be in accordance with forms prescribed by the commission.

**Rule MT16. Insurance Binders.** Binders filed to comply with the insurance requirements of section 327.15, Code 1958, and these rules and regulations pending the issuance

and filing of an insurance policy or a certificate of insurance must be made out in accordance with the form prescribed by the commission.

**Rule MT17. Cancellation and Reinstatements.** Thirty days prior written notice shall be given the commission of the cancellation of any policy, certificate of insurance or surety bond filed with the commission for a truck operator or contract carrier. Notices of cancellation and reinstatement shall show the correct name and address of the assured as then shown in the policy, the correct name of the insurance company and correct number of the policy. Specific coverage under a policy may be cancelled when the notice of cancellation includes that information.

**Rule MT18. Assignment of Interest Endorsement for Policy.** Assignment of interest endorsements filed for policies on file with the commission or for policies for which certificates of insurance have been filed with the commission shall be in accordance with the form prescribed by the commission.

**Rule MT19. Surety Bond.** In case a truck operator or contract carrier desires to file a surety bond to comply with the requirements of section 327.15, Code 1958, the commission will, upon request, prescribe the form of such bond.

**Rule MT20. Policies, Certificates and Bonds to Remain on File.** Insurance policies, certificates of insurance and surety bonds filed with the commission by truck operators and contract carriers shall remain on file in the office of the commission and must not be removed therefrom except with the express permission of the commission.

**Rule MT21. Form and Contents.** All truck operators shall maintain on file with the commission a tariff stating the rates and charges to be made for the services performed under their permits; also a classification, if class rates are to be assessed, stating the ratings which are to be applied in connection with the rates named in said tariff. Provided, however, that rates and charges to be applied to movements of household goods transported in closed body, van type equipment for distances of fifteen miles and over shall be according to the Iowa state commerce commission's household goods tariff no. 13. All tariffs and classifications must conform to the following regulations except as otherwise authorized by the commission.

**Section I. Construction and Filing of Tariffs:**

(a) All tariffs and amendments or supplements thereto must be in book, pamphlet or loose leaf form of size eight by eleven inches. They must be plainly printed, mimeographed, planographed, stereotyped, or reproduced by other similar durable process on good quality paper.

No alteration in writing or erasure shall be made in any tariff or supplement thereto.

A margin of not less than five-eighths inch,

without any printing thereon must be allowed at the binding edge of each tariff and supplement.

(b) All tariffs and supplements must be filed and posted at least thirty days prior to the effective date thereof, unless otherwise authorized by the commission, except that tariffs, supplements, or adoption notices issued in connection with applications for truck operator permits, or the transfer of permits from one truck operator to another, may become effective on a date not earlier than the date on which permits are issued or transferred.

(c) Issuing truck operators or their agents shall transmit to the commission two copies of each tariff, supplement, or revised page. Both copies shall be included in one package accompanied by a letter of transmittal listing all tariffs enclosed and addressed to the Iowa state commerce commission, rate division, Des Moines. All postage or express must be prepaid.

**Section II. Title Page of Every Tariff and Supplement Shall Show in the Order Named:**

(a) Each tariff shall be numbered in upper right hand corner, beginning with Number 1. Such number shall be shown as follows: "Ia. C. C. No. ...."

When tariffs are issued cancelling a tariff or tariffs previously filed, the Ia. C. C. number or numbers that have been canceled must be shown in the upper right hand corner under the Ia. C. C. number of the new tariff.

(b) Supplements to a tariff in addition to showing the Ia. C. C. number of the tariff amended thereby shall be numbered beginning with the Number 1 and such information shall be shown in the upper right hand corner. Supplements shall also show in the upper right hand corner the number of any previous supplements canceled thereby and also the numbers of the supplements containing all changes made in the tariff.

(c) Name of truck operator or name of agent issuing tariff. Whenever two or more truck operators join in a through rate, the names of all participating truck operators must be shown. The name of each truck operator must be the same as that appearing in its permit (or application if no permit has been issued).

If the truck operator is not a corporation, and a trade name is used, the name of the individual or partners must precede the trade name.

Whenever two or more truck operators join in a through rate, authority by means of proper power of attorney or concurrence as provided in sections VIII and IX hereof, must be given the agent or truck operator publishing the tariff.

(d) A brief description of the territory in which, or points from and to which, the tariff applies.

(e) Date of issue and date effective.

(f) Name, title and street address of truck operator or agent by whom tariff is issued.

### Section III. Tariffs Shall Contain in the Order Named:

(a) Table of contents, arranged alphabetically showing the number of the page on which each subject may be found. If a tariff contains so small a volume of matter that its title page or interior arrangement plainly indicates its contents, the table of contents may be omitted.

(b) A complete index of all commodities on which specific rates are named therein, together with reference to the page or items in which they are shown. No index need be shown in tariffs of less than five pages or if the rates are alphabetically arranged by commodities.

(c) Explanation of all abbreviations, symbols and reference marks used in the tariff.

(d) When a tariff names rates by classes, a classification of articles must be published in the tariff or in a separate tariff. When a classification is published in a separate tariff, reference must be made thereto on the title page of the rate tariff as follows:

Governed, except as otherwise provided herein, by the (here name) classification (showing issuing agent) Ia. C. C. No. .... supplements to or successive issues thereof.

All truck operators shown as participating carriers in a rate tariff which is governed by a separate classification must be named as participating carriers in such separate classification.

(e) *Table of rates.* All rates must be explicitly stated in cents or in dollars and cents, per one hundred pounds, per mile, per hour, per ton of two thousand pounds, per truck load (of stated amount), or other definable measure. Where rates are stated in amounts per package or bundle, definite specifications of the packages or bundles must be shown.

Tariffs containing tables of rates based on distances from point of origin to destination must show the mileages or indicate a definite method by which such mileages shall be determined.

(f) Truck operators or their agents may not publish class or commodity rates which duplicate or conflict with rates published by or for account of such truck operators.

(g) Truck operators or their tariff publishing agents may not publish rates on household goods transported in closed body, van type equipment for distances of fifteen miles and over. Such rates are published in the commission's household goods tariff no. 13 or successive issue thereof.

Rates on household goods transported in open type equipment for all distances, and in closed body, van type equipment for distances under fifteen miles, must be published in tariffs of the individual truck operators or in tariffs of their authorized agent.

### Section IV. Commodity Rates:

Commodity rates on articles in stated truck load or in less-than-truckload quantities may be published, and where they differ from a published class rate basis, the lower rate shall take preference.

### Section V. Tariff Changes:

(a) All rates, charges, and classifications which have been filed with the commission must be allowed to become effective and remain in effect for a period of at least thirty days before being changed, canceled, or withdrawn, unless otherwise authorized by the commission.

(b) All tariffs, supplements and revised pages (including classifications) shall indicate changes from preceding issue by use of the following symbols:

↓ or (R) to denote reductions.

◆ or (A) to denote increases.

▼ or (C) to denote changes, the result of which is neither an increase nor a reduction.

The proper symbol must be shown directly in connection with each change.

### Section VI. Posting Regulations:

Each truck operator must post and file at its principal place of business all of its tariffs and must also carry copies of such tariffs in every truck operated. All tariffs must be kept available for public inspection or examination at all reasonable times. It is not necessary that household goods tariff be carried in trucks.

### Section VII. Applications for Special Permission:

Truck operators and agents when making application for permission to establish rates, charges, classification ratings or rule on less than statutory (thirty days) notice shall use the form prescribed by the commission.

### Section VIII. Powers of Attorney:

(a) Whenever a truck operator desires to give authority to an attorney and agent to issue and file tariffs and supplements thereto in its stead, a power of attorney in the form prescribed by the commission must be used.

### Section IX. Concurrence Notice:

(a) Whenever a truck operator desires to concur in tariffs issued and filed by another truck operator or its agent a concurrence using the form prescribed by the commission shall be issued in favor of such other truck operator.

(b) The original of all powers of attorney and concurrences shall be filed with the commission and a duplicate of the original sent to the agent or truck operator in whose favor such document is issued.

(c) Whenever a truck operator desires to cancel the authority granted an agent or another truck operator by power of attorney or concurrence this may be done by a letter addressed to the commission revoking such authority on sixty days notice, except for good cause shown the commission will authorize a lesser notice. Copies of such notice must also be mailed to all interested parties.

**Rule MT22. Receipt for Freight.** Every truck operator shall issue a receipt in tripli-

cate on date freight is received for shipment which shall show the following:

- (1) Name of truck operator.
- (2) Date and place received.
- (3) Name of consignor.
- (4) Name of consignee.
- (5) Destination.
- (6) Description of shipment.
- (7) Signature of truck operator or agent issuing the receipt.

(8) Subject to the tariff and classifications in effect and on file with the Iowa state commerce commission on the date receipt is issued.

(9) Freight described in apparent good order unless an exception is noted.

Receipts shall be numbered consecutively; there shall be one copy for consignor, one for consignee and one to be kept by the truck operator. Operator's copy shall show total of all charges made for movement of freight and shall be kept by operator for a period of not less than one year, subject to inspection by commission representatives at any reasonable time.

**Rule MT23. Complaint on Rates.** All complaints filed with the commission against truck operators, alleging violation of effective tariffs shall contain the following information in addition to that required by Rule 3 of the commission's rules of practice:

(1) The name, address, and permit number of the truck operator against whom complaint is made.

(2) Complete information as to commodity transported, names of shippers and receivers of the freight, and definite information as to rates and charges assessed insofar as possible.

(3) An allegation setting out complainant's ground for complaint.

(4) Such other information as may be pertinent to the subject matter of the complaint.

(5) All complaints must be signed by complainant.

**Rule MT24. Complaint on Tariffs.** A complaint against a truck operator charging that the rates, charges, classifications and rules and regulations pertaining thereto contained in the effective tariff of such truck operator are unjust, unreasonable or discriminating must be filed in accordance with the commission's rules of practice and when so filed said complaint shall be set down for hearing and hearing held thereon as provided by the said rules of practice, provided that in addition to the persons who may file complaints under the provisions of the rules of practice, the superintendent of motor transportation division may file a complaint against a truck operator under this rule. On such hearing the commission shall fix or approve the rates, charges, classifications and rules and regulations pertaining thereto, of the truck operator complained against.

**Rule MT25. Annual Report.** Commencing January 1, 1961, every truck operator shall

keep an accurate record of assets and liabilities, cost and depreciation of all equipment and other physical property used in his operations as a truck operator, receipts from operation, operating and other expenses, actual miles traveled within and without the state and other required information and shall file with the commission for the calendar year an annual report, duly verified, in such form as the commission may prescribe on or before March 31, of the year following that for which the report is filed. The first report shall be due March 31, 1962.

The commission will prescribe the character of the information to be embodied in such annual report and will furnish a blank form therefor.

Pursuant to authority vested in the commission by sections 325.3 and 325.11, Code of Iowa, rules and regulations appearing at [1958] I. D. R. MT-1 through MT-62 are hereby rescinded, and the following adopted in lieu thereof.

[Filed November 30, 1960]

#### RULES AND REGULATIONS GOVERNING THE OPERATIONS OF MOTOR CARRIERS AND CHARTER CARRIERS

**Rule MV-1.** These rules and regulations are subject to such changes and modifications as the commission from time to time may deem advisable in accordance with the provisions of chapter 17A, Code 1958.

**Rule MV-2.** Motor carriers authorized to operate under chapter 325, truck operators authorized to operate under chapter 327, and contract carriers authorized to operate under chapter 327, shall not operate under more than one certificate of convenience and necessity or permit (viz. as a motor carrier, as a truck operator or contract carrier) where such operation is construed by the commission as circumventing the law.

Any commodity which is authorized to be transported under a certain certificate of convenience and necessity shall not be transported over routes authorized in said certificate by virtue of a truck operator or contract carrier permit held by the holder of said certificate nor shall a like commodity be transported under a truck operator permit and a contract carrier permit which is held by the same person.

**Rule MV-3.** The word "person" when used in the law or the rules and regulations of the commission will be construed by the commission as including any individual, firm, copartnership, joint adventure, association, corporation, estate, trust, business trust, receiver, or any other group or combination acting as a unit and the plural as well as the singular number.

#### INSURANCE REQUIREMENTS

**Rule MV-4.** Each motor carrier and charter carrier shall at all times maintain on file with the commission effective insurance policy, policies or surety bond made out in accordance



with these rules and regulations with limits required by chapter 325, Code 1958, with respect to motor vehicles used in furnishing motor carrier or charter carrier service under a motor carrier or charter carrier certificate (ref. sec. 325.26). Such policy, policies or surety bond shall be written for a period of one year or more. A certificate of insurance in a form prescribed by the commission may be filed in lieu of a policy. Motor carriers and charter carriers operating exclusively in interstate commerce need not file with the commission cargo insurance prescribed by section 325.26, Code 1958.

**Rule MV-5. Endorsement for Policy.** Every policy filed or for which a certificate of insurance is filed with the commission shall have attached thereto the prescribed and applicable required endorsement or endorsements.

**Rule MV-6. Certificates of Insurance.** Certificates of insurance filed with the commission for motor carriers or charter carriers in lieu of insurance policies written for the limits as prescribed by chapter 325, Code 1958, shall be in accordance with the forms prescribed by the commission.

**Rule MV-7. Insurance Binders.** Binders filed to comply with the insurance requirements of section 325.26, Code 1958, and these rules and regulations pending the issuance and filing of an insurance policy, or a certificate of insurance must be made out in accordance with the form prescribed by the commission.

**Rule MV-8. Cancellation and Reinstatements.** Thirty days prior written notice shall be given the commission of the cancellation of any policy, certificate of insurance or surety bond filed with the commission for a motor carrier or charter carrier. Notices of cancellation and reinstatement shall show the correct name and address of the assured as then shown in the policy, the correct name of the insurance company and the correct number of the policy. Specific coverage under a policy may be canceled when the notice of cancellation includes that information.

**Rule MV-9. Assignment of Interest Endorsement for Policy.** Assignment of interest endorsements filed for policies on file with the commission or for policies for which certificates of insurance have been filed with the commission, shall be in accordance with the form prescribed by the commission.

**Rule MV-10. Surety Bond.** In case a motor carrier or charter carrier desires to file a surety bond to comply with the requirements of section 325.26, Code 1958, the commission upon request will prescribe the form of such bond.

**Rule MV-11. Policies, Certificates and Bonds to Remain on File.** Insurance policies, certificates of insurance and surety bonds filed with the commission by motor carriers or charter carriers, shall remain on file in the office of the commission and must not be removed therefrom except with the express permission of the commission.

**Rule MV-12. Manner of Marking Equipment.** Before placing any equipment in service there shall be painted on each side of the equipment (and/or on "Head Board") or on some suitable material securely placed on each side of such equipment, in letters and figures large enough to be easily read a distance of fifty feet and in a color in contrast to the background the following:

**MOTOR AND CHARTER CARRIER PASSENGER CARRYING MOTOR VEHICLES**

Marking for all passenger carrying motor vehicles:

- (a) Name of motor carrier.
- (b) "Ia. C. C. Cert....."  
(Number of Certificate)
- (c) Name of charter passenger carrier.
- (d) "Ia. C. C. Cert. C. C....."  
(Number of Certificate)

**MOTOR CARRIER-FREIGHT CARRYING MOTOR VEHICLES**

Marking for motor trucks, trailers, and semitrailers:

- (a) Name of motor carrier.
- (b) Address of motor carrier.
- (c) "Ia. C. C. Cert....."  
(Number of Certificate)

**Rule MV-13. Reports of Accidents.** When requested by the commission, an immediate report, plainly written or typed on one side of the paper, shall be made on accidents arising from, or in connection with, the operations of equipment which result in injury to any person or in damage to any property exceeding the sum of fifty dollars, and shall set forth such information as required by the commission.

**MOTOR CARRIER APPLICATION**

**Rule MV-14. Application for a Certificate.** Application for a certificate of convenience and necessity to operate as a motor carrier shall be made to the Iowa state commerce commission, Des Moines, Iowa, upon the forms prescribed for that purpose. All such applications shall be typewritten.

**Rule MV-15.** Application for a certificate of convenience and necessity must be accompanied by deposit sufficient to secure the payment of all costs and expenses of hearing and any preliminary investigation necessary in connection therewith. Such deposits shall not be less than one hundred dollars; the commission reserving the right to require such additional deposit as it may deem necessary.

Deposit should be made by certified check, bank draft, express money order or postal money order, payable to the "Iowa State Commerce Commission." Any unused balance of a deposit will be refunded to the applicant.

**PUBLICATION OF NOTICE OF HEARING**

**Rule MV-16.** The applicant will be notified as to the time and place for hearing as soon as named by the commission, and furnished with copies of the official notice of hearing, which the applicant shall cause to be published



on the same day of the week two consecutive weeks in some newspaper of general circulation published in each county through or in which the proposed service will be rendered. The last publication of said notice must be made not less than ten days prior to the date of hearing.

Proof of publication from each newspaper in which the notice was published must be filed with the commission five days prior to the date of hearing. Failure to file such proofs may result in the cancellation of the hearing. The applicant shall pay the cost of such publication and shall file receipt from each newspaper showing the cost of publication has been paid. Prior to publication applicant shall examine said notice and notify the commission of applicant's approval of the form and content of the notice or submit a revised notice to the commission.

#### PLACING MOTOR VEHICLES IN SERVICE

**Rule MV-17. Annual Certificate Fee.** The annual certificate fee of five dollars for each motor vehicle used in intrastate commerce for each year or any part of the year in which the motor vehicle is used shall be due and payable on or before the first day of January or at the time a motor vehicle is placed in service and shall be remitted in the form of a certified check, bank draft, cashier's check, express money order or postal money order payable to the Iowa state commerce commission. A complete description of the motor vehicle on which the fee is paid shall accompany the remittance. (Certificate fees are not payable on tractor trucks.)

**Rule MV-18. Equipment Changes or Additions.** Before placing any additional or replacement bus, truck or trailer in intrastate service, the holder of a certificate shall pay the commission the annual certificate fee and furnish a complete description of such bus, truck or trailer with information as to the time to be placed in service.

**Rule MV-19.** Motor carriers must start operating within thirty days after a certificate of convenience and necessity has been issued. Service authorized shall commence within thirty days from the effective date of the certificate, or rights forfeited unless otherwise ordered by the commission.

**Rule MV-20. Interruptions of Regular Service.** All interruptions of regular service, where such interruptions are likely to continue for more than twenty-four hours, shall be promptly reported in writing to the commission, and to the public along the route, with full statement of the cause of such interruption, and its probable duration.

**Rule MV-21. Suspension of Motor Carrier Service.** Suspension of service for a period of five consecutive days without notice to the commission shall be cause for forfeiture of all operating rights.

#### EXCEPTIONS AND LIMITATIONS IN CERTIFICATE OF CONVENIENCE AND NECESSITY

**Rule MV-22.** Motor carriers holding a truck operator and/or a contract carrier permit shall not void exceptions or limitations in a certificate of convenience and necessity by using authority granted by a permit.

#### TIME SCHEDULES

**Rule MV-23. Time Schedule of Operation.** Time schedules must be printed or typewritten, numbered consecutively, beginning with Number 1, and shall show:

1. Name and address of motor carrier.
2. Number of schedule canceled thereby.
3. Time of arrival at and departure from all terminals.
4. Time of departure from all intermediate points.
5. What days each scheduled trip is made.
6. What points, if any, on the route of the carrier to which service cannot be rendered, and reasons therefor.
7. Date issued.
8. Date effective.

Every application for a certificate of convenience and necessity or to change time schedule, must be accompanied by a copy of the proposed schedule. Additional copies will be furnished when requested by the commission.

No motor carrier shall change a time schedule until after at least fifteen days notice of the change proposed has been given the commission; competitive motor carriers serving any portion of the same route, and the public. The notice to the public shall be given by posting a copy of the schedule in a conspicuous place at each station or stopping place affected.

After such notice the time schedule will be considered in full force and effect, unless ordered withdrawn, modified or suspended.

A copy of the effective time schedule shall be posted in a conspicuous place, easily accessible to public inspections, at each station or stopping place on the route, and a copy shall be in possession of each driver or operator.

Time schedules as filed with the commission must be adhered to.

#### TARIFFS AND CLASSIFICATIONS

**Rule MV-24.** Governing the construction and filing of tariffs, schedules, and classification by motor carriers. Every applicant seeking authority to operate under a certificate of convenience and necessity must file tariffs which comply with the provisions of this rule before authority requested can be issued. All tariffs and schedules, including classifications filed on and after the date of approval hereof must conform to the following regulations, except as otherwise indicated herein or as otherwise authorized by the commission.

The term "tariff" as used herein means a

publication stating the rates, fares and charges of a motor carrier, and all rules which said motor carrier applies in connection therewith.

The term "classification" as used herein means a publication stating the ratings (first, second, third, fourth, etc.) which are to be applied in connection with the rates named in said rate tariff.

**Section I. Construction and Filing of Tariffs:**

(a) All tariffs and amendments or supplements thereto must be in book, pamphlet or loose leaf form of size eight by eleven inches. They must be plainly printed, mimeographed, planographed, stereotyped, or reproduced by other similar durable process on good quality paper.

No alteration in writing or erasure shall be made in any tariff or supplement thereto.

A margin of not less than five-eighths inch, without any printing thereon, must be allowed at the binding edge of each tariff and supplement.

(b) All tariffs, and supplements hereafter issued must be filed and posted at least thirty days prior to the effective date thereof, unless otherwise authorized by the commission, except the tariffs or supplements issued in connection with new or changed operating authority, or issued to reflect the transfer or leasing of operating authority from one motor carrier to another, may be filed and posted to become effective on less than thirty days notice, under authority of the commission's docket number covering the establishment, changing, transfer, or leasing of operating authority.

(c) Issuing carriers or their agents shall transmit to the commission, as aforesaid, two copies of each tariff, supplement, or revised page. Both copies shall be included in one package accompanied by a letter of transmittal listing all tariffs enclosed and addressed to the Iowa state commerce commission, rate division, Des Moines, Iowa. All postage or express must be prepaid.

**Section II. Instruction Governing Construction of Tariffs:**

(a) Each tariff hereafter issued shall be numbered in upper right hand corner, beginning with Number 1. Such number shall be shown as follows:

"Ia. C. C. No. ...."

When tariffs are issued cancelling a tariff or tariffs previously filed, the Ia. C. C. number or numbers that have been canceled must be shown in the upper right hand corner under the Ia. C. C. number of the new tariff.

Example:

Ia. C. C. No. 2

Cancels

Ia. C. C. No. 1

(b) Amendments or supplements to a tariff in addition to showing the Ia. C. C. number of the tariff amended thereby shall be numbered beginning with the Number 1 and such information shall be shown in the upper right hand

corner. Supplements shall also show in the upper right hand corner the number of any previous supplements canceled thereby and also the numbers of the supplements containing all changes made in the tariff.

Example:

"Supplement No. 5  
to

Ia. C. C. No. 1

Cancels Supplements Nos. 3 and 4  
Supplements Nos. 2 and 5  
contain all changes."

(c) Name of carrier or name of agent issuing tariff. Whenever two or more carriers join in a through rate, fare or charge, the names of all participating carriers must be shown. The name of each such carrier must be the same as that appearing in its certificate.

If the carrier is not a corporation, and a trade name is used, the name of the individual or partners must precede the trade name.

Whenever two or more carriers join in a through rate, fare or charge, authority by means of proper power of attorney or concurrence, as provided in sections IX and X hereof, must be given the agent or carrier publishing the tariff.

(d) A brief description of the districts in which, or points from and to which, the tariff applies.

(e) Date of issue and date effective.

(f) Name, title and street address of officers or agent by whom tariff is issued.

**Section III. Tariff Publication Shall Contain in the Order Named:**

(a) Index arranged alphabetically showing the number of the page on which each subject may be found. If a tariff contains so small a volume of matter that its title-page or interior arrangement plainly indicates its contents the index may be omitted.

(b) No index need be shown in tariffs of less than five pages or if the rates or fares to each destination are alphabetically arranged.

(c) Explanation of all abbreviations, symbols and reference marks used in the tariff.

(d) When a tariff names rates by classes, a classification of articles must be published in the tariff or in a separate tariff of classification.

When a rate tariff is governed by any separately published tariff of classification, tariff of classification exceptions, tariff or rules, or other similar publication affecting the provisions of the tariff reference shall be made in the rate tariff to such separate governing tariffs.

A rate tariff may not refer to another rate tariff for classification ratings, exceptions to the classification, rules, lists of commodities, list of points assigned rate groups or rate basis, or other governing provisions.

All carriers shown as participating carriers in a rate tariff which is governed by separately published governing tariffs, must be named as participating carriers in such separate governing tariffs.

(e) Tables of rates. All rates must be specifically stated in cents or in dollars and cents, per one hundred pounds, per mile, per ton of two thousand pounds, per stated truck load, or other definable measure. Where rates are stated in amounts per package or bundle definite specifications of the packages or bundles must be shown.

Tables of fares. An explicit statement of the fares in cents or in dollars and cents, together with the names or description of the points from and to which they apply. Tariffs containing tables of rates or fares based on distances from point of origin to destination must show how the mileage or indicate a definite method by which such mileage shall be determined.

(f) Carriers or their agents may not publish class or commodity rates which duplicate or conflict with other rates published by or for account of such carriers.

#### Section IV. Commodity Rates:

Commodity rates, either specific point-to-point rates or based on distance scales, in stated truck-load or in less-than-truck-load quantities may be published, and where they differ from the regular class rate basis, the lower rate shall take preference.

#### Section V. Excursion Fares:

(a) Fares for a round-trip excursion limited to a designated period of not more than three days may be established without further notice, upon posting of tariff one day in advance in a public conspicuous place where tickets for such round-trip excursion are sold and filing the required number of copies thereof with the commission. Fares for a round-trip of more than three days and not more than thirty days, and fares for a series of daily round-trip excursions not exceeding thirty days, may be established upon a like notice of three days.

(b) No supplement may be issued to any tariff which is published under this rule for the purpose of canceling the tariff.

#### Section VI. Tariff Changes:

(a) All rates, charges, and classifications which have been filed with the commission must be allowed to become effective and remain in effect for a period of at least thirty days before being changed, canceled or withdrawn, unless otherwise authorized by the commission.

(b) All tariffs, supplements and revised pages (including classifications) shall indicate changes from preceding issues by use of the following symbols which must be shown directly in connection with each change:

- ↓ or (R) to denote reductions.
- ◆ or (A) to denote increases.
- ▼ or (C) to denote changes, the result of which is neither an increase nor a reduction.

#### Section VII. Posting Regulations:

Each carrier must post and file at some designated point at each of its stations or of-

fices, all of the tariffs or schedules applying from, or to, or at, such station or office and must also post and file at its principal place of business all of its tariffs and schedules. All tariffs or schedules must be kept available for public inspection or examination at all reasonable times.

#### Section VIII. Applications:

Carriers and agents when making application for permission to establish rates, fares, charges, classification ratings or rule on less than statutory thirty days notice shall use the form prescribed by the commission.

#### Section IX. Powers of Attorney:

(a) Whenever a carrier desires to give authority to an attorney and agent to issue and file tariffs and supplements thereto in its stead, a power of attorney in the form prescribed by the commission shall be used.

#### Section X. Concurrence Notice:

(a) Whenever a carrier desires to concur in tariffs issued and filed by another carrier or its agent a concurrence using the form prescribed by the commission shall be issued in favor of such other carrier.

(b) The original of all powers of attorney and concurrences shall be filed with the commission and a duplicate of the original sent to the agent or carrier in whose favor such document is issued.

(c) Whenever a carrier desires to cancel the authority granted an agent or another carrier by power of attorney or concurrence, this may be done by a letter addressed to the commission revoking such authority on sixty days notice. Copies of such notice must also be mailed to all interested parties.

**Rule MV-25. C.O.D. Remittances.** Upon collection of a C.O.D. bill, the carrier collecting same shall make prompt remittance. Remittance must be made to the consignor or party entitled to receive the amount as shown on the bill of lading within ten days after delivery of shipment to the consignee.

#### ANNUAL REPORTS

**Rule MV-26.** Every motor carrier shall keep an accurate record of assets and liabilities, cost and depreciation of all equipment and other physical property owned, receipts from operation, operating and other expenses, total amount of freight hauled in pounds by commodity, number of passengers carried, actual miles traveled within and without the state and other required information and shall file with the commission for the calendar year an annual report, duly verified, in such form as the commission may prescribe, on or before February 28, of the year following that for which the report is filed.

The commission will prescribe the character of the information to be embodied in such annual report, and will furnish a blank form therefor.

#### EQUIPMENT OF MOTOR VEHICLES

**Rule MV-27. Tools, Extra Parts, etc.** Every motor vehicle used in the transportation of

passengers shall at all times carry such tools and extra parts as may be necessary to make usual and ordinary repairs while on the road.

**Rule MV-28. Inside Lights.** All motor vehicles used in the transportation of passengers, shall maintain a light or lights of not less than two candle power each, within the vehicle and so arranged as to light up the interior thereof for the convenience and safety of the passengers, except that portion occupied by the driver.

**Rule MV-29. Extra Tires.** Every motor vehicle used in the transportation of passengers shall, when leaving a terminus, be equipped with at least one extra serviceable tire.

DRIVERS

**Rule MV-30.** Every motor carrier or charter carrier who acts as a driver shall comply with all requirements of the law applying to drivers.

Motor carriers and charter carriers shall see that all prospective drivers are familiar with the provisions of chapter 325, Code 1958, all other laws applying to motor carriers or charter carriers and these rules and regulations before being allowed to operate a motor vehicle. No driver or operator of any vehicle used in the transportation of passengers shall carry on any unnecessary conversation with passengers, collect fares or make change while such vehicle is in operation, nor shall the operator smoke in the vehicle while driving.

It shall be the duty of the driver or operator of passenger carrying motor vehicles to open and close the doors on the vehicle and a notice to that effect shall be posted on each door. Motor vehicles must at all times be operated in a safe manner in conformity with the laws of the road and duly prescribed street traffic regulations.

SAFETY REQUIREMENTS

**Rule MV-31. Explosives, Acids and Inflammable Articles Not to Be Carried.** No motor carrier shall knowingly carry or permit to be carried in any motor vehicle transporting passengers, any high explosives, acid or inflammable liquid or article.

**Rule MV-32. Fire Protection.** Every motor vehicle used for the transportation of passengers shall be equipped with a fire extinguisher bearing the label of approval of the Underwriters Laboratories, Incorporated. Such extinguisher shall be attached to the vehicle in such a place as to be immediately accessible to the driver and shall be kept in satisfactory operative condition at all times.

**Rule MV-33. Doors on Passenger Vehicles.** Every motor vehicle used for transporting passengers will be equipped with an exit door at the side and an exit door at the rear thereof, or shall have a door on each side thereof, free and clear of any steering apparatus or other obstruction. Such exit doors shall open outwardly toward the natural means of egress and shall always be unlockable from within.

GENERAL

**Rule MV-34.** No passenger motor carrier, or charter carrier shall transport express,

other than newspapers, nor shall any freight motor carrier transport passengers, unless specifically authorized, by the commission to do so. Express transported on passenger carrying motor vehicles shall be of such character and not greater in amount than can be safely and conveniently transported without causing discomfort or hazard to passengers.

**Rule MV-35. Receipts for Freight and Baggage.** Every motor carrier shall issue in triplicate a receipt for freight received for shipment, which receipt shall contain the following:

1. Name of motor carrier.
2. Date and place received.
3. Name of consignor.
4. Name of consignee.
5. Destination.
6. Description of shipment.
7. Weight.
8. Rate and charges.
9. Signature of motor carrier or agent.

One copy of such receipt shall be furnished to the consignor, one to the consignee and one retained by the motor carrier.

Passenger motor carriers shall issue to passengers a check for baggage tendered to their care.

SALE, TRANSFER, LEASE OR ASSIGNMENT OF CERTIFICATE

**Rule MV-36.** Application for the commission's approval of a proposed sale, transfer, lease or assignment of a motor carrier certificate of convenience and necessity must be typewritten; signed and sworn to by all parties interested; filed at least fifteen days prior to the effective date proposed and contain: (Applications involving exclusively interstate authority need contain only information required by Paragraphs Nos. 1, 2, 3, 8, and 13).

1. The name and address of the holder of the certificate, the certificate number, and the authority granted thereby.
2. The name and address of the person proposing to take over or lease the certificate.
3. A statement as to whether it is proposed to sell, transfer, lease or assign the certificate, the reasons therefor, and a request that the commission approve such proposal.
4. A statement that a financial statement of the person proposed to take over or lease the certificate is attached to the application. (Form of financial statement furnished by the commission upon request.)
5. A statement that two copies each of the Time Schedule and Tariff proposed to be placed in effect are attached to the application.
6. The proposed consideration or amount to be paid for the certificate.
7. A description of all property proposed to be sold, transferred, leased or assigned and the amount to be paid therefor.
8. A statement that a copy of the proposed lease is attached to the application, if it is proposed to lease the certificate.

9. A statement that copies of all contracts, agreements and other stipulations between the parties to the application are attached to the application.

10. A complete description of each bus, truck, or combination tractor truck, semi-trailer or trailer, to be operated by person proposing to take over or lease the certificate.

11. A statement that the proposed sale, transfer, lease or assignment is not for the purpose of hindering, delaying or defrauding creditors.

12. A statement, including the name and address of each of the transferor's known creditors, signed and sworn to, certifying that each has been mailed notice of proposed transfer.

13. The date on which it is desired that such proposed sale, transfer, lease or assignment shall become effective.

14. Such other facts as may be necessary to give the commission complete information regarding the proposed transactions.

**Rule MV-37. Heating, Ventilation and Smoking.** Passenger carrying motor vehicles shall be properly ventilated at all times and shall, when weather conditions require, be heated so as to be reasonably comfortable for passengers. No smoking shall be permitted in closed buses, except in designated section.

**Rule MV-38. Established Route.** In all cases where the route or any part of the route of any motor carrier shall be closed by the public authorities for repairs or for any purpose, the detour prescribed by the public authorities as a substitute for such road shall be the authorized route of the motor carrier until such time as the regular route shall be reopened for public travel. No motor carrier shall receive or discharge passengers or freight on a detour. (Not applicable to charter carriers.)

**Rule MV-39. Redemption of Passenger Tickets.** Passenger motor carriers shall provide for the redemption of unused passenger tickets at the place of purchase and at the carrier's main office in accordance with the provisions of sections 479.99 and 479.100, Code 1958.

**Rule MV-40. Interstate Carriers.** Chapter 325, Code 1958, together with the rules and regulations thereunder adopted by the commission insofar as may be applicable, govern motor carriers affording services of a strictly interstate character.

Application for a certificate covering such an operation shall be made upon forms prescribed. Paragraphs 4, 5 and 6, section 325.12, are not applicable to interstate carriers. A showing of convenience and necessity before this commission is not a condition precedent to the granting of an interstate certificate. Therefore, no hearing is held for this purpose and rules MV-15 and MV-16 of these rules and regulations may be disregarded when application is submitted. Applicant should have first complied with the motor carrier Act, administered by the Interstate commerce commission and the rules and regulations thereunder adopted.

## SELF-INSURANCE (PASSENGER CARRIERS)

**Rule MV-41.** A motor carrier of passengers requesting self-insurance shall: Make application in writing, file a balance sheet for the calendar year immediately preceding the current year up to and including the full quarter preceding the application.

**Rule MV-42.** Upon authorization by the commission, a self-insurer shall file with the commission balance sheets within thirty days after the close of each quarter, during the period of self-insurance.

**Rule MV-43.** The applicant shall furnish any information the commission may deem necessary with the application or at any time during the period of self-insurance.

**Rule MV-44.** The applicant shall file with the commission a surety bond in the penal sum of one thousand dollars.

**Rule MV-45.** After receipt and consideration of the items and information required by rules MV-41, MV-42, MV-43 and MV-44, the commission may authorize a common carrier of passengers to self-insure.

**Rule MV-46.** The commission shall have the right to cancel self-insurance at any time it may deem necessary.

**Rule MV-47. Fee Receipt.** The holder of an intrastate certificate shall be furnished a receipt for each certificate fee paid. The receipt shall be carried with the described vehicle at all times.

## SAFETY AND SERVICE RULES PRESCRIBING MINIMUM CLEARANCES APPLICABLE TO TRACKS, STRUCTURES, FIXTURES, AND OTHER APPURTENANCES OF RAILROADS

### GENERAL RULES AND DEFINITIONS (400)

**Rule CL-1. Scope and Application.** The following rules prescribe minimum track centers, and minimum horizontal and vertical clearances applicable to tracks, structures, fixtures, and other appurtenances of railroads. The term "railroad" includes steam railroads and electric interurban railroads. These rules apply to all new construction of tracks, bridges, buildings and other structures and facilities adjacent to the tracks of railroads, carried on after date on which these rules become effective. Nothing herein contained prohibits any railroad from constructing its tracks, bridges, buildings and other structures with clearances greater than required by these rules. Where conditions apparently make it impracticable to comply with these rules, application for permission to maintain reduced clearances should be made to the commission in accordance with the directions given in "Procedure" hereof.

**Rule CL-2. General Requirements.** The vertical and horizontal clearances herein prescribed are for tangent tracks and tracks where the tops of the rails are at the same level, and shall not be less than those shown:

Where one rail is elevated above the other,

compensation shall be made so that the minimum vertical and horizontal clearances herein prescribed shall be maintained, the vertical clearances being taken from the top of the higher rail, and the horizontal clearances being measured perpendicularly to a line that passes through the center line of the track and which is perpendicular to the face of the ties.

If the alignment is curved, the horizontal clearance shall be so increased as to provide for the overhanging and the tilting of a car eighty-five feet long, sixty feet between centers of trucks, and fourteen feet high, allowance being made for super-elevation of outer rail.

The distance from top of rail to top of tie shall be taken as eight inches.

**Rule CL-3. Warning Signs Required.** At all overhead freight loading platforms, awnings, canopies, coal chutes, ore tipples, entrances to warehouses, shop buildings and similar structures, where the vertical clearance is less than twenty-two feet, and at all high freight loading platforms where the horizontal clearance is less than eight feet, warning signs must be erected as a caution to employees.

**Rule CL-4. Location and Lettering of Warning Signs.** Warning signs for use at places having reduced clearances shall be placed in conspicuous positions, with black letters and border upon a white background. The sign will be of either of two kinds: Vertical or horizontal. It shall have thereon the words "NO CLEARANCE". The vertical sign shall not be less than 48" x 6", and the horizontal not less than 36" x 6". Letters thereon shall be 3" high, 2" wide, with  $\frac{5}{8}$ " stroke, reading top to bottom on the vertical sign and left to right on the horizontal sign.

**Rule CL-5. Printed Rules.** The railroads shall promulgate a printed rule prohibiting employees from riding on the tops or sides of cars while in motion at points where rule CL-3 requires the maintenance of warning signs.

#### STEAM RAILROADS

##### TRACK CENTERS (610)

**Rule CL-6. Main Tracks.** The distance from the center line of any main track to the center line of an adjacent main track, both used exclusively for passenger service, shall be not less than thirteen feet; if freight cars are handled on either or both tracks, the distance between the center lines of such tracks shall be not less than fourteen feet.

**Rule CL-7. Tracks Adjacent to Main Tracks.** (a) Except as to ladder tracks, the distance from the center line of any main track to the center line of any adjacent subsidiary track shall be not less than fifteen feet.

(b) The distance from the center line of any main track to the center line of any adjacent ladder track in which switches are operated mechanically, shall be not less than fifteen feet; in ladder tracks where switches are not operated mechanically, not less than seventeen feet.

**Rule CL-8. Subsidiary Passenger Tracks.** (a) Except as to ladder tracks the distance be-

tween the center lines of any two subsidiary passenger tracks shall be not less than thirteen feet.

(b) Any pair of subsidiary tracks used solely for passenger service may have centers less than thirteen feet provided the center lines of any track, adjacent to either side of such pair of tracks, is located not less than thirteen feet therefrom.

**Rule CL-9. Subsidiary Freight Tracks.** (a) Except as to ladder tracks the distance between the center lines of subsidiary freight tracks shall be not less than thirteen feet six inches.

(b) Team Tracks. Any two adjacent tracks, commonly known as a pair of team tracks, with a driveway on one side thereof, may have track centers less than thirteen feet six inches. If a third track is constructed adjacent to such pair of tracks its track center must be not less than thirteen feet six inches from the center line of the nearest track.

(c) Track System with High Platform Adjacent Thereto. Any system of two or more tracks at freight houses, warehouses, wharves, or similar structures, used exclusively for handling freight to or from high platforms located on one or both sides thereof may have its track centers less than thirteen feet six inches, provided that at least two tracks in any such system shall have centers not less than this distance.

**Rule CL-10. Ladder Tracks.** (a) The distance from the center line of any subsidiary track to the center line of any adjacent ladder track where the switches are operated mechanically, shall be not less than fifteen feet; where the switches are not operated mechanically, not less than seventeen feet.

(b) The distance between the center lines of two adjacent parallel ladder tracks where the switches in both are operated mechanically shall be not less than seventeen feet; where the switches in either or both are not operated mechanically, not less than nineteen feet.

##### STRUCTURAL CLEARANCES (520)

**Rule CL-11. Bridges.** (a) Bridges Supporting Main Tracks or Subsidiary Freight Tracks. The clearances of all bridges supporting main tracks or subsidiary freight tracks shall be as follows: Beginning at a point in the center line of track twenty-two feet above the top of rail; thence horizontally four feet; thence downward at an angle to a point sixteen feet above the top of rail and eight feet laterally distant from the center line of track; thence downward to a point four feet above the top of rail and eight feet laterally distant from the center line of track; thence downward on an angle to a point level with the top of rail and five feet six inches laterally distant from the center line of track.

(b) Bridges Spanning Main Tracks or Subsidiary Freight Tracks. The clearance of all bridges spanning main tracks or subsidiary freight tracks shall be as follows: Beginning at a point in the center line of track twenty-

two feet above the top of rail; thence horizontally four feet; thence downward at an angle to a point twenty feet above the top of rail and eight feet laterally distant from the center line of track; thence downward to a point level with the top of rail and eight feet laterally distant from the center line of track.

**Rule CL-12. Buildings and Miscellaneous Structures.** (a) Structures Adjacent to Main Tracks. Except as otherwise specified the clearances between main tracks and buildings or other structures adjacent thereto shall be as follows: Beginning at a point in the center line of track twenty-two feet above the top of rail the vertical clearance line shall extend thence horizontally each way to points eight feet from the center line of track, from which points the horizontal clearance lines shall extend vertically downward to points level with the top of rail.

(b) Structures Adjacent to Subsidiary Passenger Tracks. Except as otherwise specified the clearances between subsidiary passenger tracks and buildings or other structures adjacent thereto shall be as follows:

Tracks outside of buildings: Beginning at a point in the center line of track twenty-two feet above the top of rail, the vertical clearance line shall extend thence horizontally each way to points seven feet six inches from the center line of track, from which points the horizontal clearance lines shall extend vertically downward to points level with the top of rail.

Tracks entering buildings: Beginning at a point in the center line of track at such a height as will be most practicable for the height of equipment handled on such tracks the vertical clearance lines shall extend thence horizontally each way to points seven feet from the center line of track, from which points the horizontal clearance lines shall extend vertically downward to points level with the top of rail.

(c) Structures Adjacent to Subsidiary Freight Tracks. Except as otherwise specified the clearances between subsidiary freight tracks and buildings or other structures adjacent thereto shall be as follows:

Tracks outside of buildings: Beginning at a point in the center line of track twenty-two feet above the top of rail the vertical clearance line shall extend thence horizontally each way to points eight feet from the center line of track, from which points the horizontal clearance lines shall extend vertically downward to points level with the top of rail.

Tracks entering buildings such as warehouses, freight houses, coaling stations, elevators and similar structures: Beginning at a point in the center line of track at such a height as will be most practicable for equipment handled on such tracks the vertical clearance line shall extend thence horizontally each way to points seven feet from the center line of track, from which points the horizontal clearance lines shall extend vertically downward to points level with the top of rail.

(d) Engine Houses, Shop Doors, Car Sheds, Etc. The clearances at the entrances of engine houses, shop doors, car sheds, etc., shall be as follows: Beginning at a point in the center line of track at such a height as will be most practicable for the height of equipment using the buildings; thence horizontally each way to points six feet, six inches from the center line of track, from which points the horizontal clearance lines shall extend vertically downward to points level with the top of rail.

(e) Coal Tipples, Ore Tipples, Stone Crushers, Etc. The clearances of all subsidiary tracks passing through or underneath coal tipples, ore tipples, stone crushers or similar overhead structures shall be as follows: Beginning at a point in the center line of track at such a height as will be most practicable for the height of equipment handled on such tracks, the vertical clearance line shall extend thence horizontally each way to points seven feet from the center line of track, from which points the horizontal clearance lines shall extend vertically downward to points level with the top of rail.

**Rule CL-13. Awnings and Canopies.** (a) Awnings and Canopies at Main Tracks. Awnings and canopies spanning main tracks or supported at the sides of main tracks shall have clearances as follows: Beginning at a point in the center line of track twenty-two feet above the top of rail, the vertical clearance line shall extend thence horizontally each way to points eight feet from the center line of track, from which points the horizontal clearance lines shall extend vertically downward to points level with top of rail.

(b) Awnings and Canopies at Subsidiary Passenger Tracks. Awnings and canopies spanning subsidiary passenger tracks or supported at the sides of such tracks shall have clearances as follows: Beginning at a point in the center line of track at such a height above the top of rail as will be most practicable for the height of equipment handled on such tracks, the vertical clearance line shall extend thence horizontally each way to points seven feet six inches from the center line of track, from which points the horizontal clearance lines shall extend vertically downward to points level with the top of rail.

(c) Awnings and Canopies at Subsidiary Freight Tracks. Except as otherwise specified awnings and canopies spanning subsidiary freight tracks or supported at the sides of such tracks shall have clearances as follows: Beginning at a point in the center line of track twenty-two feet above the top of rail; thence horizontally four feet to a point; thence diagonally to a point sixteen feet above the top of rail and eight feet laterally distant from the center line of track; thence vertically downward to a point level with the top of rail; except that awnings and canopies at freight houses and freight loading platforms may be constructed inside of the above limits up to not less than five feet six inches from the center line of the track and not less than seven feet above the top of rail.



**Rule CL-14. Overhead Loading Platforms.** All tracks (except main, passing, ladder, or other open thoroughfare tracks) spanned by overhead platforms used for icing or other loading purposes, may have vertical clearances less than twenty-two feet, provided such platforms or structures are so constructed as to open upward or outward by means of counterweights or other devices and thus provide clearances required by rules CL-12 "b" and CL-12 "c" at times when cars are being handled over the tracks served by such platforms.

**Rule CL-15. High Freight Platforms.** The faces or edges of high platforms for handling freight to or from cars on subsidiary tracks shall not exceed five feet eight inches from the center lines of such tracks, except when such platforms have horizontal clearances of eight feet from such tracks.

**Rule CL-16. Low Platforms.** Platforms not higher than eight inches above the top of rail may be constructed and maintained with faces not less than five feet one inch from the center line of an adjacent track. Platforms less than four inches above the top of rail may be constructed and maintained with faces not less than four feet six inches from the center line of an adjacent track.

**Rule CL-17. Switch Stands.** (a) **Main Tracks.** Main track switch stands exceeding two feet ten inches in height and not exceeding four feet in height shall have horizontal clearances of not less than eight feet from the center line of an adjacent track to the nearest part of the switch stand above the base of rail; and not less than eight feet three inches when the switch stand exceeds four feet in height.

(b) **Subsidiary Tracks.** Subsidiary track switch stands exceeding two feet ten inches in height and not exceeding four feet in height shall be not less than seven feet six inches from the center line of an adjacent track to the nearest part of the switch stand above the base of rail; and not less than eight feet when the switch stand exceeds four feet in height.

**Rule CL-18. Low Switch Stands, Dwarf Signals, Signal Apparatus, Etc.** Switch stands not exceeding two feet ten inches in height, dwarf interlocking signals not exceeding two feet eight inches in height, interlocking switch machines, pipe lines and other signaling apparatus, the third rail and its supports for the electric operation of trains, and guard rails of all kinds may be installed and maintained between or adjacent to tracks regardless of the clearance lines hereinbefore specified.

**Rule CL-19. Penstocks and Water Tanks.** (a) **Penstocks.** The distance from the nearest part of a penstock above the top of rail to the center line of an adjacent main track, passing track or subsidiary freight track shall be not less than eight feet; and to the center line of an adjacent subsidiary passenger track other than a passing track, not less than seven feet six inches; except that penstock bases not exceeding four feet above top of rail may have

nearest part not less than seven feet six inches from center line of track.

(b) **Water Tanks.** The distance from the nearest part of a water tank to the center line of any adjacent track shall be not less than nine feet.

Spouts in raised position shall have minimum clearances as follows: Beginning at a point in the center line of track twenty-two feet above the top of rail; thence horizontally four feet; thence downward at an angle to a point sixteen feet above the top of rail and eight feet laterally distant from center line of track; thence vertically downward to a point level with the top of rail and eight feet laterally distant from center line of track.

**Rule CL-20. Semaphore and Color Light Signals.** The distance from the nearest part above the top of rail of a semaphore or color light signal, other than a dwarf signal, to the center line of an adjacent track, shall be not less than eight feet.

**Rule CL-21. Poles, Posts and Signs.** The face of all telegraph, telephone, trolley, or other poles, whistle posts, mile posts, posts for signal bridges, whipcords, crossing gates, highway crossing bells, and all other signs, signals or devices not otherwise provided for in these rules, shall be not less than eight feet from the center line of adjacent tracks. No part of any sign or appurtenance attached to such poles or posts shall be less than eight feet from the center line of an adjacent track, between the top of rail and a point seventeen feet above.

**Rule CL-22. Fences.** To prevent persons from crossing railroad tracks at unauthorized places in the immediate vicinity of passenger stations fences not more than four feet above the top of rail may be maintained between tracks.

**Rule CL-23. Mail Cranes.** The distance from the center line of the main track to the nearest part of the mail crane with the arms extended for the mail pouch shall be not less than six feet three inches.

**Rule CL-24. Building Materials or Supplies.** No building materials or supplies of any kind shall be piled nearer to any track than nine feet from the center line thereof, except materials for immediate use, which may be placed not nearer than seven feet six inches from the center line of track.

#### ELECTRIC RAILROADS

##### TRACK CENTERS (610)

**Rule CL-25. Main Tracks.** The distance from the center line of any main track to the center line of an adjacent main track, both used exclusively for passenger service, shall be not less than thirteen feet; where freight cars are handled on either or both tracks, the distance between the center lines of such tracks shall be not less than fourteen feet.

**Rule CL-26. Tracks Adjacent to Main Tracks.** (a) Except as to ladder tracks, the distance from the center line of any main track



to the center line of any adjacent subsidiary track shall be not less than fifteen feet.

(b) The distance from the center line of any main track to the center line of any adjacent ladder track in which switches are operated mechanically shall be not less than fifteen feet; in ladder tracks where switches are not operated mechanically, not less than seventeen feet.

**Rule CL-27. Subsidiary Passenger Tracks.**

(a) Except as to ladder tracks the distance between the center lines of any two adjacent subsidiary passenger tracks shall be not less than thirteen feet.

(b) Any pair of subsidiary tracks used solely for passenger service may have centers less than thirteen feet provided the center line of any track adjacent to either side of such pair of tracks is located not less than thirteen feet therefrom.

**Rule CL-28. Subsidiary Freight Tracks.**

(a) Except as to ladder tracks, the distance between the center lines of any two subsidiary freight tracks shall be not less than thirteen feet six inches.

(b) Team Tracks. Any two adjacent tracks, commonly known as a pair of team tracks, with a driveway on one side thereof, may have track centers less than thirteen feet six inches. If a third track is constructed adjacent to such pair of tracks its track center must be not less than thirteen feet six inches from the center line of the nearest track.

(c) Track System With High Platforms Adjacent Thereto. Any system of two or more tracks at freight houses, warehouses, wharves, or similar structures, used exclusively for handling freight to or from high platforms located on one or both sides thereof may have its track centers less than thirteen feet six inches, provided that at least two tracks in any such system shall have centers not less than this distance.

**Rule CL-29. Ladder Tracks.**

(a) The distance from the center line of any subsidiary track to the center line of any adjacent ladder track where the switches are operated mechanically shall be not less than fifteen feet; where the switches are not operated mechanically, not less than seventeen feet.

(b) The distance between center lines of two adjacent ladder tracks where the switches in both are operated mechanically shall be not less than seventeen feet; where the switches in either or both are not operated mechanically, not less than nineteen feet.

**STRUCTURAL CLEARANCES (620)**

**Rule CL-30. Bridges.**

(a) Bridges Supporting Main Tracks or Subsidiary Freight Tracks. The clearances of all bridges supporting main tracks or subsidiary freight tracks shall be as follows: Beginning at a point in the center line of track twenty-two feet above the top of rail; thence horizontally four feet; thence downward at an angle to a point sixteen feet above the top of rail and eight feet

laterally distant from the center line of track; thence downward to a point four feet above the top of rail and eight feet laterally distant from the center line of track; thence downward at an angle to a point level with top of rail and five feet six inches laterally distant from the center line of track.

(b) Bridges Spanning Main Tracks or Subsidiary Freight Tracks. The clearances of all bridges spanning main tracks or subsidiary freight tracks shall be as follows: Beginning at a point in the center line of track twenty-two feet above the top of rail; thence horizontally four feet; thence downward at an angle to a point twenty feet above the top of rail and eight feet laterally distant from the center line of track; thence downward to a point level with the top of rail and eight feet laterally distant from the center line of track. The vertical clearance of bridge shall be such that the trolley contact wire may be maintained at a minimum vertical height of twenty-two feet from top of rail. In such a case the clearance line of the structure shall extend four feet horizontally from center line of track at the maximum height; thence downward at an angle so as to intersect a point twenty feet above the top of rail and eight feet laterally distant from center line of track; and thence follow the clearance line previously designated.

**Rule CL-31. Buildings and Miscellaneous Structures.**

(a) Structures Adjacent to Main Tracks. Except as otherwise specified the clearances between main tracks and buildings or other structures adjacent thereto shall be as follows: Beginning at a point in the center line of track twenty-two feet above the top of rail the vertical clearance line shall extend thence horizontally each way to points eight feet from the center line of track from which points the horizontal clearance lines shall extend vertically downward to points level with the top of rail.

(b) Structures Adjacent to Subsidiary Passenger Tracks. Except as otherwise specified the clearances between subsidiary passenger tracks and buildings or other structures adjacent thereto shall be as follows:

Tracks outside of buildings: Beginning at a point in the center line of track twenty-two feet above the top of rail, the vertical clearance line shall extend thence horizontally each way to points seven feet six inches from the center line of track, from which points the horizontal clearance lines shall extend vertically downward to points level with top of rail.

Tracks entering buildings: Beginning at a point in the center line of track at such a height as will be most practicable for the height of equipment handled on such tracks the vertical clearance line shall extend thence horizontally each way to points seven feet from the center line of track, from which points the horizontal clearance lines shall extend vertically downward to points level with the top of rail.

(c) Structures Adjacent to Subsidiary Freight Tracks. Except as otherwise specified

the clearances between subsidiary freight tracks and buildings or other structures adjacent thereto shall be as follows:

Tracks outside of buildings: Beginning at a point in the center line of track twenty-two feet above the top of rail, the vertical clearance line shall extend thence horizontally each way to points seven feet six inches from the center line of track, from which points the horizontal clearance lines shall extend vertically downward to points level with top of rail.

Tracks entering buildings such as warehouses, freight houses, elevators and similar structures: Beginning at a point in the center line of track at such a height as will be most practicable for equipment handled on such tracks the vertical clearance line shall extend thence horizontally each way to points seven feet from the center line of track, from which points the horizontal clearance lines shall extend vertically downward to points level with the top of rail.

(d) Engine Houses, Shop Doors, Car Sheds, Etc. The clearances at the entrances of engine houses, shop doors, car sheds, etc., shall be as follows: Beginning at a point in the center line of track at such a height as will be most practicable for the height of equipment using the buildings; thence horizontally each way to points six feet six inches from the center line of track, from which points the horizontal clearance lines shall extend vertically downward to points level with the top of rail.

(e) Coal Tipples, Ore Tipples, Stone Crushers, Etc. The clearances of all subsidiary tracks passing through or underneath coal tipples, ore tipples, stone crushers or similar overhead structures shall be as follows: Beginning at a point in the center line of track at such a height as will be most practicable for the height of equipment handled on such tracks, the vertical clearance line shall extend thence horizontally each way to points seven feet from the center line of track, from which points horizontal clearance lines shall extend vertically downward to points level with the top of rail.

**Rule CL-32. Awnings and Canopies.** (a) Awnings and Canopies at Main Tracks. Awnings and canopies spanning main tracks or supported at the sides of main tracks shall have clearances as follows: Beginning at a point in the center line of track twenty-two feet above the top of rail; the vertical clearance line shall extend thence horizontally each way to points eight feet from the center line of track; from which points the horizontal clearance lines shall extend vertically downward to points level with the top of rail.

(b) Awnings and Canopies at Subsidiary Passenger Tracks. Awnings and canopies spanning subsidiary passenger tracks or supported at the sides of such tracks, shall have clearances as follows: Beginning at a point in the center line of track at such a height above the top of rail as will be most practicable for the height of equipment handled

on such tracks, the vertical clearance line shall extend thence horizontally each way to points seven feet six inches from the center line of track, from which points the horizontal clearance lines shall extend vertically downward to points level with the top of rail.

(c) Awnings and Canopies at Subsidiary Freight Tracks. Except as otherwise specified awnings and canopies spanning subsidiary freight tracks or supported at the sides of such tracks shall have clearances as follows: Beginning at a point in the center line of track twenty-two feet above the top of rail; thence horizontally four feet to a point; thence diagonally to a point sixteen feet above the top of rail and eight feet laterally distant from the center line of track; thence vertically downward to a point level with the top of rail; except that awnings and canopies at freight houses and freight-loading platforms may be constructed inside of the above limits up to not less than five feet six inches from the center line of the track and not less than seventeen feet above the top of rail.

**Rule CL-33. Overhead Loading Platforms.** All tracks (except main, passing, ladder or other open thoroughfare tracks) spanned by overhead platforms used for icing or other loading purposes, may have vertical clearances less than twenty-two feet, provided such platforms or structures are so constructed as to open upward or outward by means of counterweights or other devices and thus provide clearances required by rule CL-31 at times when cars are being handled over the tracks served by such platforms.

**Rule CL-34. High Freight Platforms.** (a) The faces or edges of high platforms for handling freight to or from cars on subsidiary tracks shall not exceed five feet eight inches from the center line of such tracks, except when such platforms have horizontal clearances of eight feet from such tracks.

(b) Where railroads use a passenger type of car for handling freight to or from high platforms, the clearances between the faces of such cars and the edges or faces of such platforms shall not exceed four inches, except when such platforms have horizontal clearances of eight feet from such tracks.

**Rule CL-35. Low Platforms.** Platforms not higher than eight inches above the top of rail may be constructed and maintained with faces not less than five feet one inch from the center line of an adjacent track. Platforms less than four inches above the top of rail may be constructed and maintained with faces not less than four feet six inches from the center line of an adjacent track.

**Rule CL-36. Switch Stands.** (a) Main Tracks. Main track switch stands exceeding two feet ten inches in height and not exceeding four feet in height shall have horizontal clearances of not less than eight feet from the center line of an adjacent track to the nearest part of the switch stand above the base of rail;

and not less than eight feet three inches when the switch stand exceeds four feet in height.

(b) **Subsidiary Tracks.** Subsidiary track switch stands exceeding two feet ten inches in height and not exceeding four feet in height shall be not less than seven feet six inches from the center line of an adjacent track to the nearest part of the switch stand above the base of rail; and not less than eight feet when the switch stand exceeds four feet in height.

**Rule CL-37. Low Switch Stands, Dwarf Signals, Signal Apparatus, Etc.** Switch stands not exceeding two feet ten inches in height, dwarf interlocking signals not exceeding two feet eight inches in height, interlocking switch machines, pipe lines, and other signaling apparatus, the third rail and its supports for the electric operation of trains, and guard rails of all kinds may be installed and maintained between or adjacent to tracks regardless of the clearance lines hereinbefore specified.

**Rule CL-38. Semaphore or Color Light Signals.** The distance from the nearest part above the top of rail of a semaphore signal post, other than a dwarf signal, to the center line of an adjacent track shall be not less than eight feet.

**Rule CL-39. Poles, Posts and Signs.** The faces of all telegraph, telephone, trolley or other poles, whistle posts, mile posts, posts for signal bridges, whipcords, crossing gates, highway crossing bells, and all other signs, signals or devices not otherwise provided for in these rules, shall be not less than eight feet from the center line of an adjacent track. No part of any sign or appurtenance attached to such poles or posts shall be less than eight feet from the center line of an adjacent track, between the top of rail and a point seventeen feet above same.

**Rule CL-40. Fences.** To prevent persons from crossing railroad tracks at unauthorized places in the immediate vicinity of passenger stations, fences not more than four feet above the top of rail may be maintained between tracks.

**Rule CL-41. Building Materials or Supplies.** No building materials or supplies of any kind shall be piled nearer to any track than nine feet from the center line thereof, except materials for immediate use, which may be placed not nearer than seven feet six inches from the center line of track.

**Rule CL-42. When No Permission for Construction Is Necessary.** Except as may be required by law or by order of the commission, it will not be necessary, previous to new construction of tracks or appurtenances, for any railroad company to obtain permission for such changes or alterations nor will it be necessary to obtain permission to operate on such tracks, provided the track centers and clearances at such tracks or appurtenances conform to rules contained herein.

**Rule CL-43. When Permission for Construction Is Necessary.** When conditions in any particular case make it impracticable to comply with the foregoing rules, or for good reason variation therefrom is desired, application may be made to this commission for permission to construct and maintain such tracks or appurtenances with clearances less than are herein provided.

**Rule CL-44. Essentials of Application.** The application for such permission shall be submitted in triplicate by the railroad company, or jointly by the railroad company and the owner of property when the track or appurtenance is upon private property. Each application must be accompanied by a plan showing the location of the proposed track or appurtenance and the clearances which it is desired to maintain; the name of the company or companies making the application; a description, the location and the reasons for varying from clearance rules; asking for approval of specified clearances set forth in petition; and asking that a date for hearing be fixed and interested parties be notified, in the event the commission deems a hearing of the petition necessary; said petition shall be signed by petitioner or petitioners.

**Rule CL-45. Approval of Application.** If the commission approves application without a formal hearing, a duplicate of the application will be returned to the petitioner duly certified by the secretary of the commission.

**Rule CL-46. Hearing.** When deemed necessary by the commission, a formal hearing will be held upon any application to maintain clearances less than those herein prescribed. Due notice of the time and place of such hearing will be given interested parties. An order will issue after hearing, approving, or disapproving the requested clearances.

**RULES, STANDARDS AND INSTRUCTIONS FOR INSTALLATION, MAINTENANCE AND REPAIR OF INTERLOCKING OR OTHER SAFETY DEVICES TOGETHER WITH RECOMMENDED PRACTICES FOR THE INSTALLATION, MAINTENANCE AND REPAIR OF AUTOMATIC BLOCK SIGNAL SYSTEMS, TRAFFIC CONTROL SYSTEMS, AUTOMATIC TRAIN STOP, TRAIN CONTROL AND CAB SIGNAL SYSTEMS**

**Rule INTL-47.** Under the provisions of sections 478.33 to 478.36, inclusive, Code of Iowa, 1950, and in the exercise of powers therein conferred, the Iowa state commerce commission adopted, effective February 15, 1951, rules pertaining to submission and approval of plans covering changes in interlocking plants or other safety devices including requirement for the filing of quarterly interlocking reports by railroad companies, such report forms by reference made a part hereof; and further adopted rules of the interstate commerce commission entitled "Rules, Standards and Instructions for installation, maintenance and repair of automatic block signal systems, interlocking traf-

fic control systems, automatic train stop, train control, and cab signal systems and other similar appliances, methods and systems", effective October 1, 1950, and by reference made a part hereof, as minimum requirements for the installation, maintenance and repair of interlocking and safety devices in the state of Iowa, insofar as the Iowa state commerce commission has jurisdiction; and matters not coming within the provisions of these rules or to which these rules cannot be made applicable shall be given separate consideration by the commission.

The portion of the rules of the Iowa state commerce commission is as follows:

**Rule INTL-48. Physical Changes, Reconstruction, Rehabilitation or Discontinuance.** No interlocking plant or other safety device where railroads cross each other or at a junction or at a drawbridge shall be reconstructed or rehabilitated nor discontinued in whole or in part nor shall any changes be made which involve change in type of system or appliances, or alter the functional operation of apparatus, the location of signals, the aspects displayed by signals, the location of interlocking stations, or which involve or result in change from track arrangement, except upon securing approval from the commission.

**Rule INTL-49. Submission of Applications.**

(a) An application should be filed for each project involving: The discontinuance, in whole or in part, of interlocking plants or other safety devices, or

Any change in interlocking or other safety device which involves change in type of system or appliances, or alters the functional operation of apparatus, the location of signals, the aspects displayed by signals, the location of interlocking stations, or which involves or results from change in track arrangement.

(b) An application may be submitted in the form of a letter describing the nature of the proposal (a copy of information as submitted to the interstate commerce commission may be submitted in lieu of a specifically prepared description of proposal) same to be accompanied by a print, sketch, or other descriptive matter.

(c) When detailed plans, such as locking sheet, dog chart, circuit plans (excepting manipulation chart), are available, they shall be filed for approval.

(d) In the preparation of plans, the graphical symbols and circuit nomenclature, preferably those approved by the Association of American Railroads, Signal Section, shall be used.

**Rule INTL-50. Approval of Plans.** (a) All submitted plans must show the approval of each of the interested railroad companies.

(b) If the preliminary plan, sketch or print is satisfactory, or if, in the judgment of the commission, modifications are necessary, the plan will be approved accordingly. The detailed plans, furnished either at the time of application or at a later date, will be likewise approved. One copy of plans will be retained

by the commission and other approved copies returned to the maintaining company.

(c) Approvals will be effective for a period of one year. If the work is not started within that period a new approval must be obtained.

(d) The commission may investigate and determine the matters involved in each application with or without formal hearing.

**Rule INTL-51.** Upon completion of changes immediate advice shall be furnished this commission by the maintaining company or the one in charge of said changes. An inspection will be made by the commission of changes as soon thereafter as is convenient. Changes shall be carried on in accordance with provisions of 136.326.

Upon completion of a new interlocking or other safety device, advice shall be furnished this commission preferably not less than three days in advance of time when protection is ready for inspection. The commission will endeavor to have the protection inspected at the time of its completion but if unable to do so it will authorize the railroad company in charge to place the protection in conditional service subject to future inspection.

Conditional service shall mean that all units and other apparatus involved be connected and operated from the control point for a period of not less than twenty-four hours, unless otherwise specified. During conditional service all trains shall come to a full stop at the governing signal, regardless of its indication, and shall not proceed until proper signal indication is received.

**Rule INTL-52. Certificate of Authority.** A certificate of authority for the operation of the protection and the passage of trains thereover without first having stopped will be issued to each of the interested railroad companies after inspection by the commission, if the protection is satisfactorily installed and is in accordance with the approved plans.

**Rule INTL-53. Modification of Rules, Standards and Instructions.** The commission reserves the right to modify any of the provisions of these rules in any specific case or otherwise when in the commission's opinion, public interest or safety will be better served by so doing.

Any party or parties desiring to make any departure from these rules and regulations, or believing them unreasonable or inadequate may file a written petition with the commission, whereupon the commission will take such action as may seem to it proper.

**Rule INTL-54. Abandonment or Permanent Removal.** Whenever protection is permanently taken out of service the commission must be notified immediately. Under such a circumstance, train movements will be governed by the usual precautions prescribed by statute, governing train movements over and across railroad grade crossings, junctions, and drawbridges. (Sec. 478.31, Code of Iowa, 1950)

**Rule INTL-55. Interlocking Reports.** A report for each authorized protection shall be

filed quarterly with the commission by the railroad company in charge of the maintenance of said protection. The report shall be filed on a prescribed form adopted by the commission. It shall be filed within thirty days after the end of the quarter year for which the report is made.

#### REQUISITES FOR HIGHWAY RAILROAD CROSSING SIGNALS

**Rule HGC-56.** In the exercise of powers conferred by statutes relating to highway grade crossing protective devices, the Iowa state commerce commission by order dated December 28, 1934, adopted flashing light and flashing light with rotating stop banner type signals as standards for installation at highway railroad grade crossings in the state of Iowa and subsequently on April 23, 1938, by order additionally adopted the wigwag type signal as one of the standards, providing therein that requisites would be adopted covering signal types, such requisites being adopted August 23, 1938, including plan entitled "Highway Crossing Signal Standards—Iowa", said plan by reference made a part hereof. Requisites read as follows:

**Rule HGC-57. Aspects.** [Detailed drawings of various crossing signals may be obtained from the Iowa commerce commission.]

**Rule HGC-58. Location.** (a) At least one signal shall be located upon each side of the track or tracks and on the right-hand side of the highway as viewed by traffic approaching the crossing. The signals shall normally be located not less than eight feet or more than fifteen feet from the gauge line of the nearest rail of the railroad and not less than six feet or more than twelve feet from the right-hand edge of the pavement or traveled way. The dimensions given are to the center of the mast.

(b) Additional signals or lamp unit assembled may be required where local conditions warrant.

**Rule HGC-59. Operating Time.** (a) On through tracks, automatically controlled crossing signals shall be arranged to provide not less than twenty seconds warning for the fastest train approaching the crossing from either direction.

(b) Unless otherwise provided, passing, siding, and switch tracks shall be provided with short crossing track circuits extending preferably not less than one hundred feet beyond highway in both directions.

**Rule HGC-60. Operating Power.** (a) Two sources of power shall be provided for the operation of crossing signals.

**Rule HGC-61. Circuits.** (a) All single and/or multiple track not in existing signal territory shall have full crossing protection obtained by the staggering of rail insulation at the crossing and by means of shunt connections of the interlocking relays or equivalent arrangement.

(b) All single track within existing signal territory and all multiple track in signal ter-

ritory in municipalities shall have full protection obtained by means of short track circuits over the crossing.

(c) The short track circuit, on multiple track operations in the country and when within existing signal territory, may be omitted where the likelihood of back up or reverse movements over the crossing is remote.

**Rule HGC-62. Lamp Units.** (A) Flashing Light:

(1) Lamp units (center of lens), unless otherwise specified, shall be located not less than seven feet ten inches, and not more than nine feet above the surface of the highway.

(2) Signal lights shall shine in both directions along the highway, and shall be mounted horizontally two feet six inch centers. Lamp units shall be arranged in pairs, back to back, and shall be open at the front and be designed so that the door will move to the side or downward. Peep holes may be used.

(3) Lamp units shall be equipped with mountings providing ready adjustment in all directions with positive locking for such adjustments.

(4) Lamp units shall be provided with hoods not less than twelve inches in length and with backgrounds twenty inches in diameter. Hoods and backgrounds shall be painted black.

(5) Lamp units shall have lenses or roundels, red in color, not less than eight and three-eighths inches in diameter for both front and rear indications. Transmission values, based on A. A. R., Signal Section, standard scale, shall be 220 to 300.

(6) The beam spread shall be not less than ten degrees each side of the axial beam under normal conditions. This beam spread is interpreted to refer to the point at the angle mentioned where the intensity of the beam is fifty percent of the axial beam under normal conditions.

(B) Wigwag:

(1) Center of lens, unless otherwise specified, shall be located not less than seven feet ten inches and not more than nine feet above the surface of the highway.

(2) Signal light(s) located in wigwag banner disc shall shine in both directions along the highway. The light(s) shall light only at the extremes of the swing of banner, producing an aspect of flashing lights spaced thirty inches apart. An auxiliary light shall be provided to light automatically in case of failure of normal light(s). As an alternate a double filament type bulb having an auxiliary filament of longer rated life than main filament may be used in signals having individual lamp units and reflectors for each direction.

In case the banner fails to make its initial movement from the vertical position, provision shall be made in the wigwag mechanism to insure that the light(s) in the banner will illuminate when current is applied.

(3) A metal framework shall encompass the banner at its extreme positions affording a balanced outline reasonably in keeping with stationary lights with backgrounds.

(4) The size and painting of disc shall be substantially in accordance with A. A. R. S. S. Drawing 1553. The use of the word "stop" on the disc is optional, but when used a mask must be provided to hide it when the disc is in a vertical position. Crystal lenses with light back of them or reflector buttons may be used in the word "stop."

(5) Lamp units shall have lenses, red in color, not less than six and three-eighths inches in diameter for indication in both directions along the highway. Transmission values based on A. A. R. Signal Section, standard scale, shall be 220 to 300.

(6) The beam spread shall be not less than ten degrees each side of the axial beam under normal conditions. This beam spread is interpreted to refer to the point at the angle mentioned where the intensity of the beam is fifty percent of the axial beam under normal conditions.

**Rule HGC-63. Flashes.** (A) Flashing Light:

(1) Lights (in pairs) shall flash alternately. The number of flashes for each light per minute shall be thirty minimum and forty-five maximum.

(B) Wigwag:

(1) The number of cycles per minute shall be thirty minimum and forty-five maximum. Movement from one extreme to the other and back constitutes a cycle.

**Rule HGC-64. Range.** (A) Flashing Light:

(1) The effective range of flashing lights equipped with ten-volt, ten-watt lamps, or equivalent, burning at rated voltage shall be not less than fifteen hundred feet under bright sunlight conditions with the sun at or near the zenith. This requirement applies to both front and rear indications.

(B) Wigwag:

(1) The signal light, when disc is at either end of cycle, shall have a range at night of fifteen hundred feet.

**Rule HGC-65. Signs.** (a) The "Railroad Crossing" sign shall normally be in accordance with A. A. R. S. S. Drawing 1642.

(b) The "Number of Tracks" sign shall normally be in accordance with A. A. R. S. S. Drawing 1645.

**Rule HGC-66. Bells.** (a) If local conditions at a crossing warrant, one or more gong type bells may be used. Bell shall operate independently of remainder of mechanism, excepting where bell operates as an integral part of a wigwag mechanism.

**Rule HGC-67. Signs.** (a) A reflector button sign "STOP ON RED SIGNAL" shall be provided for signals shown at Figures 1 and 3 of attached drawings.\* Such sign shall be in accordance with A. A. R. S. S. Drawing 1646. It shall be displayed toward highway traffic approaching the near side of crossing.

\*See drawing No. 1646.

APPLICABLE ONLY TO FLASHING LIGHT WITH ROTATING DISC

**Rule HGC-68. Signs.** (a) The "stop" sign

shall be octagonal in shape, twenty-four inches across the flats, suitably formed of sheet steel, and have the word "stop" in reflector but tons per details of drawing attached.

**Rule HGC-69. Mechanism.** (a) The "stop" sign shall be returned to, and held, in a stop position perpendicular and at right angles to the center line of the highway by the force of gravity and shall be moved to, and held, in a clear position parallel to the center line of the highway by the application of electrical energy.

(b) The mechanism shall be arranged to rotate the "stop" sign about its vertical axis from its stop position to its clear position through an angle of ninety degrees against the force of gravity, retaining it in that position as long as electrical energy is supplied and to cause it to return to its stop position by the force of gravity when through the failure of any part or circuit the electrical energy is cut off. The parts shall be locked in their stop and clear positions against any force applied from without the mechanism case.

(c) The "closed circuit" principle shall be made fundamental in the detailed design of all parts of the operating mechanism and in its control and operation.

APPLICABLE TO TYPE UNDER 1—(d)  
FLASHING LIGHT-AUTOMATIC GATE TYPE SIGNALS

**Rule HGC-70.** (a) Signals consisting of a combination of flashing light signals and automatic gates shall when indicating the approach of a train present toward the highway the appearance of swinging red light or lights and of horizontal arm or arms extending over the traveled roadway, a sufficient distance to cover the lane or lanes used by traffic approaching the crossing.

(b) Flashing light signals shall meet the requirements shown in these requisites as applying to such signals excepting that "STOP ON RED SIGNAL" sign need not be provided.

(c) The automatic gate arms, when not indicating the approach or presence of a train, shall not obstruct or interfere with highway traffic.

(d) The automatic gate arms shall be mounted on posts or housings containing the arm operating mechanisms. The posts or housings shall be located not less than three feet from right-hand edge of pavement or traveled way.

(e) The design of the gate operating mechanisms, as far as practicable, shall be such as to insure proper operation during unfavorable weather conditions, and in case of power failure the gate arm shall assume the horizontal position across the roadway.

(f) The mechanisms shall be so designed that if the arms, while being raised or lowered, strike or foul an object they will readily stop, and on removal of the obstruction shall assume the position corresponding with the control apparatus. The gate arms shall be so arranged that if a vehicle is on the crossing with the gates lowered it may proceed off the crossing.

(g) Circuits for operation of the signals shall be so arranged that flashing lights, gate arm lights, and bell (if bell is used) will start to operate not less than twenty seconds before the fastest train reaches the crossing and will operate between three and five seconds before the automatic gates start to descend. Gates shall reach full horizontal position before the arrival of the fastest train operated over the crossing and remain down until the rear of the train has cleared the crossing.

(h) In addition to the requirements of paragraph (g), the circuits for the operation of the signals shall be so arranged that the flashing lights, gate arm lights, and bell will operate at any time gate arm is in a position to interfere with highway traffic, regardless of whether or not a train is approaching the crossing.

(i) Each gate arm extending over the roadway shall have three red lights, shining in both directions along the highway, so positioned as to insure, as far as possible, that no vehicle or vehicles standing within the limits of the traffic lane or lanes approaching the crossing can obscure all three lights from the view of drivers of following vehicles. The light nearest the tip of each arm shall burn steadily, and the other two lights on each arm shall flash alternately in unison with the flashing lights on the roadside signal mast.

(j) The bottom of gate arms, when in the horizontal position, shall not be less than three, nor more than four feet above the crown of the roadway.

(k) The gate arms shall be painted on both sides with alternate diagonal stripes of white or aluminum and black.

(l) In each black stripe of each gate arm on the approach side only, there shall be a diagonal row of not less than three crystal or colorless reflector lenses, not less than one-half inch in optical diameter, to reflect the headlight beams of approaching motor vehicles.

(m) Details of the signals, gates, operating mechanisms and control circuits shall be in accordance with A. A. R. recommended practice.

(n) The gate arms shall operate uniformly, smoothly, and complete all movements without rebound or slap and be securely held when in the raised position.

(o) Each individual gate post shall be provided with independent operating mechanism, and housing to be of sufficient size to allow ready inspection, adjustment and repairs.

(p) The highway traffic lanes in the vicinity of the crossing shall be distinctly marked. The marking and maintenance thereof will be provided by authorities having jurisdiction of the particular highway.

#### APPLICABLE TO ALL TYPES OF SIGNALS

**Rule HGC-71. Painting.** (a) Metal parts shall be painted in accordance with A. A. R. Signal Section requirements, and unless otherwise specified will be finished with white or aluminum.

**Rule HGC-72. Foundations.** (a) Foundations shall be substantially in conformity with A. A. R. Signal Section Drawing 1107. They shall be level, and set parallel to track except where alignment of apparatus requires otherwise. Dimensions are for level and solid ground.

**Rule HGC-73. Material and Workmanship.** (a) All material and workmanship shall be first class in every respect, and every signal installation in all its details shall be constructed and installed to the satisfaction of the Iowa state commerce commission.

**Rule HGC-74. Deviations.** (a) The commission reserves the right to make such deviations from these requisites as may appear just and proper under the circumstances, it being understood, however, that there will be no change in uniformity of standard aspects in these variations.

#### RULES FOR THE REPORTING OF RAILWAY ACCIDENTS IN THE STATE OF IOWA

**Rule RYA-75.** In the exercise of powers conferred in section 474.46, Code of Iowa, 1950, concerning the furnishing of immediate notice by railroad companies relating to loss of life or personal injuries occurring in connection with railroad accidents in the state of Iowa, the Iowa state commerce commission adopted "Rules for the Reporting of Railway Accidents in the State of Iowa" effective November 1, 1932, together with a form for the reporting of said accidents, by reference made a part hereof.

**Rule RYA-76. Monthly Reports.** The monthly reports of railway accidents (including rail failures causing train accidents) should be made on forms provided by this commission or on forms identical therewith in arrangement, size, color and weight of paper. The forms provided, which are of four kinds, are designated as Forms V, T, R, and F. This commission has adopted "Rules Governing Monthly Reports of Railway Accidents", 1922 Revision, issued by the interstate commerce commission, bureau of standards, and such rules shall govern in the monthly reports of railway accidents to this body.

**Rule RYA-77. Immediate Report.** [See §474.46, Code of 1950]

The form provided for the purposes of immediate report is form C. which is furnished by this commission. Upon the occurrence of any train or train service accident involving serious injury or loss of life, except to trespassers, this form should be filled out and immediately returned. The completed form C. report will be returned regardless of the fact that telegraphic report has been made as outlined in rule RYA-78 below.

**Rule RYA-78. Telegraphic Report.** In addition to the provisions of rule RYA-77 above, immediate report by telegraph or other equal facility should be made as directed for the following classes of accidents:

(A) Collisions. A collision is a violent im-



fact of a train, locomotive, or car with some other train, locomotive, or car while both are on rails. Accidents, however, in which cars, not in suitable condition to withstand common train usage, that, when coupled in trains, may be damaged through ordinary train movements, should be classified as miscellaneous train accidents and not as collisions. Rear-end, head-on, side or raking and railroad grade crossing collisions should be reported by telegraph in all cases where death or serious injury results, except to trespassers, also in cases where damage to railway property amounts to more than one hundred fifty dollars, including the cost of clearing wreck. Collisions involving yard service need only be reported where death or serious injury results.

(B) Derailments. Derailments of all classes should be reported where reportable casualties result, excepting to trespassers. Other derailments than those involving yard service should be reported where the damage to railway property exceeds three hundred dollars, including the cost of clearing wreck. Particularly such derailments as those involving defects in tracks, bridges, switches, signals or other defects in roadway, or such as are the result of malicious intent or tampering, should be reported.

(C) Locomotive Boiler Accidents. All locomotive boiler accidents are reportable by telegraph, which involve serious injury or loss of life, except to trespassers.

(D) Other Accidents. 1. Accidents to persons on moving cars or locomotives resulting from coming in contact with any structure or fixture above or at the side of track.

2. Accidents to employees in train service due to defective equipment, parts or appurtenances.

This report will be made where death or serious injury results from cause set out above, except to trespassers.

**Rule RYA-79. Serious Injury.** The interpretation of serious injury shall mean: (A) Injury to an employee sufficient to incapacitate him from performing his ordinary duties for more than three days in the aggregate during the ten days immediately following the accident. This rule applies to employees on duty, and others classed as not on duty, but does not apply to employees classed as passengers or trespassers.

(B) Injury to a person other than an employee if the injury is sufficient, in the opinion of the reporting officer, to incapacitate the injured person from following his customary vocation or mode of life for a period of more than one day. This rule applies also to employees classed as passengers or trespassers.

**Rule RYA-80. General Application.** There may be from time to time accidents which result from causes other than those listed above and which the commission may desire to investigate. The reporting of such accidents must necessarily be left to the judgment of the reporting officer, and if he feels that the acci-

dent is such as this body would wish to investigate he will immediately report by telegraph or other equal facility. The desire is to have reported all accidents, whether or not they involve injuries or death, which are due to causes that are worthy of investigation.

**RULES GOVERNING MONTHLY REPORT OF RAILWAY ACCIDENTS**

**Rule RYA-81.** In the exercise of powers conferred by statutes relating to the reporting of railway accidents the Iowa state commerce commission adopted rules of the interstate commerce commission, bureau of statistics, 1922 Revision, effective January 1, 1922, entitled "Rules Governing Monthly Reports of Railway Accidents" together with reporting forms required in connection therewith, the rules and reporting forms by reference made a part hereof, as requirements for the monthly report of railway accidents occurring on railroads operated in the state of Iowa, insofar as the commission has jurisdiction; and matters not coming within the provisions of these rules or to which these rules cannot be made applicable shall be given separate consideration by the commission.

**NOTICE FORM RELATING TO ABANDONMENT OF A RAILWAY STATION, REMOVAL OF A DEPOT OR THE DISCONTINUANCE OF A STATION OR AGENCY**

**Rule SA.** Under the provisions of sections 474.15, 474.16 and 474.17, Code of Iowa, 1950, and in the exercise of powers therein conferred, the Iowa state commerce commission on the first day of June, 1951, revised and re-adopted an order dated June 18, 1937, prescribing form of notice for posting at railroad stations where a railroad company proposes to abandon a railway station or to remove a depot or to discontinue a station or agency. Rules are provided as follows:

**Rule SA-82.** Form of notice, by reference made a part hereof, adopted effective June 28, 1937, was readopted.

**Rule SA-83.** A requirement that a railroad company before proceeding with the abandonment of a station or the discontinuance of services thereat shall file a written request with the Iowa state commerce commission of its intention and request authority to post notices; also providing that notices not be posted until authority is received.

**Rule SA-84.** A requirement that the railroad company upon the completion of posting of notices shall file with the Iowa state commerce commission a copy of notice with affidavit form completed.

**Rule SA-85.** A requirement that the date named for abandonment or discontinuance of service shall be at least five days later than the final date for the filing of objections; also that not less than fifteen days will be allowed for the filing of objections with the Iowa state commerce commission.



**Rule SA-86.** A requirement making the provisions of order equally applicable to proposed discontinuance of railway express agency services.

**ADOPTION OF REGULATIONS CONCERNING NOTIFICATION TO THE PUBLIC, THE FILING OF OBJECTIONS AND PROCEDURE RELATING TO PROPOSED ABANDONMENT OF PERMANENT CURTAILMENT OF TRAIN SERVICE.**

**Rule TS-87.** In the exercise of powers conferred by statutes relating to train service the Iowa state commerce commission adopted resolution dated March 30, 1948, prescribing form of notice for posting at railroad stations in Iowa where not more than one such train is now or hereafter operated on a daily or less than daily schedule. Rules are provided as follows:

**Rule TS-88.** Form of notice, by reference made a part hereof, adopted effective April 10, 1948.

**Rule TS-89.** A requirement that a railroad company before proceeding with the abandonment or permanent curtailment of described train service shall file a written request with the Iowa state commerce commission of its intention; requesting authority to post notices; and further providing that notice allow a period of fifteen days for the filing of objections with the Iowa state commerce commission.

**Rule TS-90.** A requirement that proposed changes may become effective, if no objections are filed, on the twenty-fifth day after posting of notice; otherwise the same services previously furnished the public shall be continued until after determination by the Iowa state commerce commission.

**Rule TS-91.** A requirement that the railroad company, upon the completion of posting of notices shall file with the Iowa state commerce commission a copy of notice with affidavit form completed.

**Rule TS-92.** A finding that the provisions of resolution do not apply where abandonment of railroad line has been permitted; and that the adoption of resolution in no manner affects present procedure of the Iowa state commerce commission in the handling of complaints relating to train services where the number of trains is greater than described in resolution.

**Rule TS-93.** The cancellation of the provisions of a resolution of the Iowa state commerce commission adopted January 30, 1943, provided however, that the cancellation of said resolution shall in no manner affect the right of the Iowa state commerce commission to request information deemed by it advisable and proper in connection with the handling of matters relating to train service.

Pursuant to authority vested in the Iowa state commerce commission by section 490.18, Code of Iowa, rules and regulations appearing at 1958 I.D.R. pages 71, 72 and 73 [and amendment of April 8, 1959] are hereby re-

scinded and the following adopted in lieu thereof:

[Filed July 19, 1960]

**RULES AND REGULATIONS RELATING TO PIPELINES AND UNDERGROUND GAS STORAGE**

**Rule PL-94. Definitions.** Terms not otherwise herein defined shall be understood to have their usual meaning.

(1) "Approximate right angle" shall mean within five degrees of a ninety degree angle.

(2) "Commission" shall mean the Iowa state commerce commission.

(3) "Multiple Line Crossing" shall mean a point at which a proposed pipeline will either overcross or undercross an existing pipeline.

(4) "Permanent Permit" shall mean a permit issued after appropriate application to and determination by this commission.

(5) "Permit" shall mean a permanent permit or renewal permit issued by the Iowa state commerce commission.

(6) "Pipeline" shall mean any pipe, pipes or pipelines used for the transportation or transmission of gas, gasoline, oils or motor fuels and/or inflammable fluids.

(7) "Pipeline Company" shall mean any person, firm, co-partnership, association, corporation or syndicate engaged in or organized for the purpose of owning, operating or controlling pipelines for the transportation or transmission of gas, gasoline, oils or motor fuels and/or inflammable fluids.

(8) "Renewal Permit" shall mean the re-issuance of a permanent permit after appropriate application to and determination by this commission.

(9) "Underground Storage" shall mean storage of gas in a subsurface stratum or formation of the earth.

(10) Technical terms not herein defined shall be as defined in ASA B31.3 and .4—1959 and ASA B31.8—1958, and as the same may hereafter be revised.

**Rule PL-95. Petition for Permit.** Petition for Permit shall be made to this commission upon the form prescribed. A typical set of Exhibits to such Petition, which Exhibits are labeled "A", "B", "C", "D" and "E" are described below:

Exhibit "A". A description of the proposed route of the pipeline. This should be as specific and detailed as circumstances permit. This commission would prefer a legal description showing the general direction of the proposed route through each quarter section of land to be crossed, including township and range and whether on private or public property, public highway or railroad right of way, together with such other information as may be deemed pertinent. Construction deviation of one hundred sixty rods from proposed routing will be permitted.

If it becomes apparent that there will be deviation of greater than one hundred sixty rods in some area from the proposed route as

filed with this commission, construction of such line in such area shall be suspended. Exhibits "A", "B" and "E" reflecting such deviation shall be filed, and the procedure hereinafter set forth to be followed upon the filing of a Petition for Permit shall be followed.

Exhibit "B". Maps of proposed routing of the pipeline. Such maps shall have a minimum scale of not less than one inch to one mile. Strip maps will be acceptable. Two copies of such maps shall be filed.

Exhibit "C". A showing on forms prescribed by this commission of engineering specifications covering the engineering features, materials and manner of construction of the proposed pipeline, its approximate length, diameter, and the name and location of each railroad and primary highway and the number of secondary highways to be crossed, if any, and such other information as may be deemed pertinent.

Exhibit "D". Satisfactory attested proof of solvency and financial ability to pay damages in the sum of fifty thousand dollars or more; or surety bond satisfactory to this commission in the penal sum of fifty thousand dollars with surety approved by this commission, conditioned that the petitioner will pay any and all damages legally recovered against it growing out of the operation of its pipeline and/or gas storage facilities in the State of Iowa; or security satisfactory to this commission as a guarantee for the payment of damages in the sum of fifty thousand dollars.

Exhibit "E". Consent, or other showing of right, of appropriate public highway authorities or railroad companies, where the pipeline will be placed longitudinally on, over or under, or at other than an approximate right angle to railroad tracks or highway, when such consent is obtained prior to filing of the petition and hearing thereon shall be filed with the Petition.

Should the exact and specific route be uncertain at the time of petition, a statement shall be made by petitioner that all such consents or other showing of right will be obtained prior to construction and copies thereof filed with this commission.

Additional Exhibits. If permission is sought to construct, maintain and operate facilities for underground storage of gas, said Petition shall include the following information, in addition to that stated above:

(a) A description of the public and/or private highways, grounds and waters, streams and private lands of any kind under which such storage is proposed, together with a map thereof.

(b) Maps showing the location of proposed machinery, appliances, fixtures, wells and stations necessary for the construction, maintenance and operation of such facilities.

**Rule PL-96. Publication of Notice of Hearing.** When a petition for permit is received by this commission, accompanied by proper Exhibits, it shall be docketed for hearing and petitioner shall be advised of the time and place of hearing. Petitioner shall also be fur-

nished copies of the official notice of hearing which petitioner shall cause to be published once each week for two consecutive weeks in some newspaper of general circulation in each county in or through which construction is proposed. Proof of such publication shall be filed prior to or at such hearing, together with receipts showing that costs of such publication have been paid by petitioner.

**Rule PL-97. Objections.** All whose rights or interests may be affected by the object of a petition may file written objection thereto. Such written objection shall be filed with the Secretary of this commission not less than five days prior to date of hearing. This commission may, for good cause shown, permit filing of objections less than five days prior to hearing, but in such event petitioner shall be granted a reasonable time to meet such objections.

**Rule PL-98. Hearing.** Hearing shall be not less than ten nor more than thirty days from the date of last publication of notice of hearing.

Petitioner shall be represented by one or more duly authorized representatives or counsel or both. This commission may examine the proposed route of the pipeline or location of the underground storage facilities which are the object of the petition or may cause such examination to be made on its behalf by an engineer of its selection. One or more members of this commission or a duly appointed hearing examiner shall consider such petition and any objections filed thereto and may hear such testimony as may be deemed appropriate. One or more petitions may be considered at the same hearing. Petitions may be consolidated. Hearing shall be held in the office of this commission or at such other place within the state of Iowa as this commission may designate.

**Rule PL-99. Permanent Permit.** If after hearing and appropriate findings of fact it is determined a permit should be granted, a permanent permit will be issued. Otherwise such petition shall be dismissed with or without prejudice. Where proposed construction has not been established definitely, the permanent permit will be issued on the route or location as set forth in the petition, subject to deviation of up to one hundred sixty rods on either side of such proposed route. If the proposed construction is not completed within two years from the date of issue, subject to extension at the discretion of this commission, such permanent permit shall be void and of no further force or effect. Upon completion of the proposed construction, maps of the final routing of the pipeline, bearing rechain survey notes, shall be filed with this commission.

A permanent permit shall normally expire twenty-five years from date of issue. No such permit shall ever be granted for a longer period than twenty-five years.

**Rule PL-100. Renewal Permits.** Petition for renewal of permit may be filed at any time subsequent to issuance of a permanent permit

and prior to the expiration thereof. Such petition shall be made on the form prescribed by this commission. Instructions for the use thereof are included as a part of such form. The procedure for petition for permit shall be followed with respect to publication of notice, objections and hearing. Renewal permits shall normally expire twenty-five years from date of issue. No such permit shall ever be granted for a longer period than twenty-five years. The same procedure shall be followed for subsequent renewals.

**Rule PL-101. Amendments of Permits.** Petition may be filed for amendment of permanent or renewal permit to cover construction of a line paralleling an existing line of petitioner or to make contiguous extension of an existing underground storage area of petitioner. Such petition for amendment shall be made on the form prescribed by this commission. Such petition shall have attached those same exhibits required for a petition for permit. If such petition for amendment is for paralleling construction and the same falls within the one hundred sixty rods permissive deviation of the permanent permit or subsequent renewal permit, the requirement of publication of notice and hearing may be waived. Subject to such exception only, the procedure for petition for permit shall be followed in all instances. Upon appropriate determination by this commission, an amendment to permanent permit will be issued. Such amendment shall be subject to the same conditions with respect to completion of construction within two years and the filing of final routing maps as attach to permanent permits.

**Rule PL-102. Fees.** All fees shall be payable to "Iowa state commerce commission".

All fees referred to below shall be paid in the year of issuance of the permit to which they apply. Such fees shall be collected on the basis of approximate mileage as shown in the particular petition. Upon the filing of final routing maps fees shall be paid or refunded on the basis of adjusted mileage.

**Construction Inspection Fee.** Upon issuance of a permanent permit, petitioner shall pay a fee of fifty cents per inch of diameter for each mile or fraction thereof of pipeline covered by such permit.

**Annual Inspection Fee.** For each calendar year subsequent to the year in which the construction inspection fee was paid, for which year or fraction thereof a permit (permanent or renewal) shall be effective, there shall be paid an annual inspection fee of twenty-five cents per inch of diameter for each mile or fraction thereof of pipeline. Such payment shall be made prior to January 1st of such calendar year.

**Paralleling Line Fee.** A construction inspection fee shall be paid upon the issuance of an amendment to permanent permit and an annual inspection fee shall be paid for each year thereafter that such permit is in force. Both such fees shall be determined as above.

**Renewal Permit Fee.** Upon issuance of a renewal permit, there shall be a fee of twenty-

five dollars per petition, as the same may be consolidated, plus a flat fee of fifty cents per mile or fraction thereof of pipeline involved, irrespective of diameter, to cover the costs and expenses of the commission in conjunction therewith. Such payment shall be in addition to the annual inspection fee.

**Rule PL-103. Inspections.** This commission shall from time to time examine the construction, maintenance and condition of pipeline, underground storage facilities and equipment used in connection with such pipeline or facilities in the state of Iowa to determine if the same is unsafe or dangerous. One or more members of this commission, one or more duly appointed representatives hereof or the same together may enter upon the premises of any pipeline company within the state of Iowa for the purpose of making such inspections. Except under extreme circumstances, such inspections shall be made after adequate opportunity has been provided for a representative of such company to accompany such inspecting party.

**Rule PL-104. Standards for Construction, Operation and Maintenance.** All pipelines and underground storage facilities and all equipment used in connection therewith shall be constructed, operated and maintained in accordance with either Section 3—PETROLEUM REFINERY PIPING CODE (designated as ASA B31.3—1959), Section 4—OIL TRANSPORTATION PIPING CODE (designated as ASA B31.4—1959) or Section 8—AMERICAN STANDARD GAS TRANSMISSION AND DISTRIBUTION PIPING SYSTEMS (designated as ASA B31.8—1958), of the American Standard Code for Pressure Piping published by the American Society of Mechanical Engineers, insofar as the same may be applicable, and as said sections may be hereafter altered, amended or modified by said society.

This commission has adopted certain specifications for undercrossings of primary and secondary roads and railroads in addition to those found in such above-mentioned Code. Should conflict exist between such specifications, such conflict shall be resolved by this commission after written information has been filed of such conflict by any party desiring clarification.

**Rule PL-105. Undercrossing Permits.** Undercrossings of primary or secondary highways and railroad right of ways shall be at an approximate right angle as herein defined, with an additional construction tolerance of five degrees being permitted, unless permission to vary further therefrom is obtained from the proper authority and filed with this commission.

Permission to undercross primary or secondary highways need be sought only from this commission, except in case of undercrossings installed at other than an approximate right angle, as herein defined, in which case permission must be sought from either the Iowa state highway commission or the appropriate county board of supervisors.

It is recommended, however, that pipeline

companies confer with appropriate highway authorities before crossing primary or secondary highways, in order that such companies may determine contemplated future changes in such highways which may influence the location of pipeline facilities. It is further recommended that pipeline companies give such authorities advance notice of their intent to cross highways. It is the policy of this commission to give notice to highway authorities of petitions of pipeline companies for authority to construct pipelines which will cross highways under the jurisdiction of such authorities.

No special permit need be obtained to cross rivers, waters and streams within the state of Iowa where such crossings are included within a petition to this commission.

**Rule PL-106. River Crossings.** This commission has primary state jurisdiction to issue permits to cross rivers, waters and streams within the state of Iowa and its jurisdiction in such respect is paramount to that of the Iowa state conservation commission.

As a matter of co-operation, this commission has agreed to furnish the Iowa state conservation commission information relative to crossings of rivers, waters and streams, together with plats of such crossings upon the filing of a petition indicating such crossings. Pipeline companies shall provide information direct to the Iowa state conservation commission pertaining to the date of commencement of construction where such crossings are involved.

**Rule PL-107. Distribution Mains.** No petition need be made for permit to construct, operate or maintain a gas main or distribution main as technically defined in ASA B31.8—1958 and which will be operated at a pressure of less than one hundred fifty pounds per square inch.

[Amended August 23, 1962]

**Rule PL-108. Accidents.** A preliminary report shall be sent to this commission by registered or certified letter within twenty-four hours of any accident arising from, or in any way connected with the operation of a pipeline or underground storage facility within the state of Iowa, which accident results in personal injury or damage in excess of five hundred dollars to the property of others. Such preliminary report shall give the outstanding characteristics of such accident. Such report shall be followed within a reasonable time by a full written report giving complete details of such accident.

No preliminary report need be made in the event of an accident resulting only in damage to the property of the pipeline company. A written report of such accident shall be filed with the secretary of this commission within a reasonable time. Accidents involving damage to the pipeline or underground storage facilities of the pipeline company in an amount less than one thousand dollars, including costs of repair, need not be reported to this commission.

The dollar amounts of damage and repair costs hereinabove referred to must necessarily be the results of the pipeline company's best estimates made at the time of such accident.

**Rule PL-109. Removal or Relocation of Pipelines.** Notice of removal from service or relocation of existing pipelines for which permits have been obtained shall be supplied the secretary of this commission. Such notice shall be accompanied by a plat of the pipeline as relocated or, in the case of removal from service, a plat showing the portion of pipeline removed. No such notice need be supplied of a relocation of three hundred feet or less on either side of the survey center line as filed with this commission unless said relocation would result in placing said pipeline within three hundred feet of an occupied residence. Relocations of one hundred sixty rods or more shall require the filing of a petition for permit.

**Rule PL-110. Sale or Transfer of Permit.** No permit shall be sold without prior written approval of this commission. No transfer of a permit prior to completion of construction shall be effective until the permittee shall file with this commission written notice of date of transfer and name and address of the transferee.

**Rule PL-111. Amendments to Rules and Regulations.** These rules and regulations are subject to such amendments or exceptions as this commission may deem advisable. Parties desiring to depart from these rules and regulations may make written requests to this commission, whereupon appropriate action will be taken. Amendments hereto shall apply only to permits issued after the effective date of such amendments.

STATISTICAL DIVISION

ACCOUNTING RULES AND REGULATIONS

**Rule S1. Commission's Adoption of Interstate Commerce Commission Accounting Rules and Regulations.** Classes I, II, and III steam railways, railway bridge companies, railway terminal companies, electric interurban railways, Railway Express Agency, Inc., The Pullman Company, class I freight and passenger motor carriers shall adhere to the accounting rules and regulations as prescribed by the interstate commerce commission relating to system and/or Iowa operations.

**Rule S2. Accounting Rules Applicable to Class II Freight and Passenger Motor Carriers.**

(a) Single entry accounting shall be used regarding daily records that should be kept on operating and nonoperating revenues, operating expenses and operating statistics deemed necessary by the commission.

(b) Revenues are to be entered each day as earned, not once a week or only when collections are made. Rents and interest income should be entered on the day received.

(c) Operating expenses should be entered daily except salaries that are paid weekly or monthly, rents paid monthly, and interest paid. Depreciation charges are to be entered

in operating expenses on the fifteenth of each month; and when equipment is retired, such charges cease to be an operating expense. Depreciation may be charged only during the period equipment or facilities are actually being used in connection with operation authorized by this commission.

(d) Freight motor carriers shall keep daily records on pounds carried and truck and/or tractor miles operated, on system and within the state of Iowa, separately.

(e) Passenger motor carriers shall keep daily records on passengers carried, bus miles operated and motor passenger miles revenue, on system and within the state of Iowa, separately.

(f) Revenues earned within the state of Iowa should include all intrastate revenues and a mileage prorate of interstate revenues.

(g) Individual equipment records must be kept showing description, cost, monthly depreciation and mileage records.

(h) Records should be kept on the accrual basis, so that at the end of each calendar year, licenses, insurance, etc., paid for in advance may be carried in prepayment accounts, on financial statement, and not shown as an expense in the year it is not used.

(i) Records are to be set up and kept beginning at the time operations commence and at no time shall daily entries be more than five days in arrears. Such records must be kept intact and open for inspection by our representatives at any time. Daily records, for one calendar year or any portion thereof, shall not be destroyed before three years, after the close of such calendar year.

(j) Other records may be kept in addition to these prescribed by the commission, but in no instance shall any class II motor carrier fail to keep daily records as prescribed under this rule.

**FILING MOTOR CARRIER ANNUAL REPORTS  
WITH IOWA STATE COMMERCE COMMISSION**

**Rule S3. Instructions Relating to Filing Annual Report Forms by Class II Motor Carriers.** (a) Annual report form must be filled out in duplicate and one copy, duly verified and sworn to before a notary public or someone authorized to administer oaths, filed with the office of the Iowa state commerce commission, Des Moines, Iowa, on or before February 28 of the year following that for which annual report is filed.

(b) Every annual report must, in all particulars, be complete in itself; and reference to the return of former years should not be made to take the place of required entries.

(c) If it be necessary or desirable to insert additional statements, typewritten or other, in a report, they should be legibly made on durable paper, and, wherever practicable, on sheets not larger than a page of the annual report form. Inserted sheets should be securely attached, preferably at the inner margin; attachment by pins or clips is insufficient.

(d) All entries in the report form should be

taken from the motor carrier's daily record, and must be made in permanent black ink, except those of a contrary or unusual character, which should be in red ink.

(e) Each motor carrier must make its annual report to this commission in duplicate, retaining one copy in its files for reference in case correspondence, with regard to said report, becomes necessary. For this reason two copies of the report form are furnished to each motor carrier concerned.

(f) If for any reason a motor carrier is unable to complete and file its report on or before February 28, the commission may extend the time fixed for filing said report upon request and proper showing.

(g) Failure to file said annual report may be considered by the commission as just cause for revocation of certificate.

(h) The year means the calendar year ending December 31 of the year for which the report is made; or, in case the report is made for a shorter period than one year, it means the close of the period covered by the report within the calendar year for which the report is made.

(i) Should the entire authority granted a motor carrier be transferred to another carrier, or revoked, a report covering the current operations during such calendar year, or portion thereof, must be completed and filed with this office not later than thirty days after the commission's order of transfer or revocation.

**RULES AND REGULATIONS GOVERNING  
THE OPERATION OF BONDED  
WAREHOUSES**

[Amendments filed January 30, 1956]

**Rule No. W-1. Application of Rules and Regulations.** These rules and regulations are subject to such changes and modifications as the commission may from time to time deem advisable and to such exceptions as may be considered just and reasonable in individual cases.

**Rule No. W-2. Types of Products to Be Warehoused.** Products to be warehoused shall be divided into two general types or classes as follows:

A. Bulk grain.

B. Agricultural and farm consumable products other than bulk grain.

For the purpose of storage, grain processed for seed purposes shall be classed as an agricultural product other than bulk grain.

**Rule No. W-3. Application for License.** Application for a license to operate as a bonded warehouseman under the Iowa bonded warehouse law shall be made to the commission on forms prescribed for that purpose, which will be furnished to prospective applicants upon request. All such applications should be typewritten and all information must be furnished as required by section 543.5 of said bonded warehouse law.

**Rule No. W-4. Warehouse License.** A warehouse license shall specify the type and

quantity of products which may be stored in a licensed warehouse. A license may be issued authorizing the storage of either or both general types or classes of products to be warehoused provided the warehouse or warehouses described in the application is or are found to be suitable for the proper and safe storage of the product or products intended to be stored therein.

No storage unit shall be considered suitable for the storage of bulk grain unless the warehouseman has available the necessary equipment and space to properly turn and condition the grain to be stored therein or unless said storage unit is properly equipped with approved means of keeping the grain, to be stored therein, from going out of condition.

Warehouse licenses are nontransferable.

**Rule No. W-5. Amendment of License.** Section 543.8 of the Iowa bonded warehouse law provides that the commission is authorized upon its own motion, or upon receipt of written application, to amend any license previously issued by it, to change or modify the provisions as to type and quantity of agricultural products which may be stored in the warehouse or warehouses in respect to which the license was originally issued. No warehouse license shall be amended to cover change in name of the warehouseman.

**Rule No. W-6. Extension and Renewal of Warehouse License.** A warehouse license shall terminate on the thirtieth day of June next after the date of issuance. However, a warehouse license may be kept in continuous force and effect by the warehouseman filing a proper application for renewal prior to the date of termination. A warehouse license which has terminated may be reinstated by the commission upon receipt of proper application filed by the warehouseman, provided that such application is filed within ninety days from the date of termination of the warehouse license.

**Rule No. W-7. Bonds.** (Amended effective July 1, 1952.) Bonds filed with the commission shall be on forms prescribed and furnished by the commission. The amount of bond required to be filed in connection with the storage of bulk grain shall be as follows:

a. For intended storage of bulk grain in any quantity less than twenty thousand bushels the minimum amount of the bond shall be six thousand dollars plus one thousand dollars for each two thousand bushels or fraction thereof in excess of twelve thousand bushels up to a total of twenty thousand bushels.

b. For intended storage of bulk grain in any quantity not less than twenty thousand bushels and not more than fifty thousand bushels the minimum amount of the bond shall be ten thousand dollars plus one thousand dollars for each three thousand bushels or fraction thereof in excess of twenty thousand bushels up to a total of fifty thousand bushels.

c. For intended storage of bulk grain in

any quantity not less than fifty thousand bushels and not more than seventy thousand bushels the minimum amount of the bond shall be twenty thousand dollars plus one thousand dollars for each four thousand bushels or fraction thereof in excess of fifty thousand bushels up to a total of seventy thousand bushels.

d. For intended storage of bulk grain in any quantity not less than seventy thousand bushels the minimum amount of the bond shall be twenty-five thousand dollars plus one thousand dollars for each five thousand bushels or fraction thereof in excess of seventy thousand bushels.

The amount of bond to be filed in connection with the storage of agricultural and farm consumable products other than bulk grain shall be determined in accordance with the provisions of section 543.13 of the Iowa bonded warehouse law.

Bonds shall be so written as to indemnify storage in the facilities of the warehouseman as described in the particular warehouse license held by the warehouseman.

The amount of bond prescribed in this rule is the minimum that will be accepted by the commission. However, a bond in a higher amount may be filed by the warehouseman if he deems it advisable in the carrying on of his warehouse business.

**Rule No. W-8. Insurance.** Each warehouseman licensed by this commission, or operating under a temporary permit, shall keep fully insured, for its current market value, against loss by fire, inherent explosion or windstorm, all agricultural products in storage in his warehouse and all agricultural products which have been deposited temporarily in his warehouse pending storage or for purpose other than storage. Such insurance shall be carried in an insurance company or companies authorized to do business in this state and shall be provided by and carried in the name of the warehouseman. Each policy providing such coverage must have attached thereto an Iowa bonded warehouse endorsement form as prescribed by the Iowa state commerce commission.

As evidence of such insurance coverage having been provided, a certificate of insurance form as prescribed by the Iowa state commerce commission shall be filed with this commission.

Not more than one policy shall be included on any one certificate of insurance and where one policy provides coverage for two or more locations (towns) a separate certificate of insurance shall be executed for each location (town) shown on said policy.

The amount of insurance shown on a certificate of insurance shall be the total amount provided by the particular policy and for the particular location for which such certificate is executed.

**Rule No. W-9. Notice to Commission.** The commission shall be notified at once in the following cases:

In all cases of loss or damage to storage or to licensed storage facilities.

In case of death of individual or any member of partnership operating a bonded warehouse.

In case of change of ownership of a bonded warehouse.

In case of change in name under which a bonded warehouse is operated.

**Rule No. W-10. Issuance of Warehouse Receipts.** (Amended effective March 11, 1952.) For all agricultural products that become storage in a warehouse licensed by this commission, receipts shall be issued by the warehouseman conducting such warehouse. Such receipts must be signed by the warehouseman or his authorized agent and shall be countersigned by the Secretary of the commission. The original receipt shall be issued to the depositor of the commodity placed in storage and a copy of such receipt shall be immediately filed with the commission.

Bulk grain deposited with a licensed warehouseman with instructions to hold for further instructions, or with instructions for any other disposition, may be retained by him in a licensed warehouse for a period of ten days or more provided that any retention for a period of more than nine consecutive days, shall, commencing with the tenth day, be deemed to be a retention for storage pending other disposition of the bulk grain and provided further that not later than the tenth day from date of deposit of the bulk grain such licensed warehouseman shall issue warehouse receipts therefor. Provided however, that in each instance of a deposit of grain by the United States government or any subdivision or agency thereof, a period of thirty days shall be permitted in each instance where a period of ten days is above specified, and action which is specified above to be taken on the tenth day shall be taken on the twenty-ninth day.

Any grain, which has been received at any bonded warehouse and for which the actual sale price is not fixed and payment made therefor within ten days after the receipt of said grain, is construed to be grain held in storage within the meaning of the Iowa Bonded Warehouse Law and warehouse receipts shall be issued therefor not later than the tenth day after the receipt thereof.

The weight and number of bushels to be shown on a warehouse receipt issued on bulk grain shall be the weight and number of bushels of grain actually placed in storage including dockage and/or foreign material.

Test weight, moisture and any other grade factors pertinent to determining grade shall be shown on warehouse receipts issued on bulk grain, under the heading "Remarks".

Not more than one commodity or grade or value of commodity shall be shown on a warehouse receipt.

If a warehouse receipt is intended to be a nonnegotiable receipt it shall state, in the space provided therefor on the face of the receipt, that the goods received will be de-

livered to the depositor or any other specified person.

If a warehouse receipt is intended to be a negotiable receipt it shall state, in the space provided therefor on the face of the receipt, that the goods will be delivered to the bearer, or to the order of any person named in such receipt.

**Rule No. W-11. Form of Warehouse Receipt.** Warehouse receipt forms shall be of a size seven inches in width by eight and one-fourth inches in length and shall be printed in not less than triplicate. The original receipt shall be white in color and the weight of the paper used shall not be less than twenty-pound base. The commission's copy of the receipt shall be pink in color and the weight of the paper used shall be not less than sixteen-pound base. The paper used for both original receipt and the commission's copy shall not be lower in quality than number one sulphite.

Receipts issued for bulk grains shall be in a form prescribed by the Iowa state commerce commission.

Receipts issued for agricultural and farm consumable products other than bulk grain shall be in a form prescribed by the Iowa state commerce commission.

**Rule N. W-12. Cancellation of Receipts.** Upon delivery of commodity represented by a warehouse receipt, the original receipt must be canceled upon the face thereof by the warehouseman or his authorized agent. The original receipt must then be forwarded to the office of the commission to be stamped with the commission's cancellation stamp, after which the receipt will be returned to the warehouseman.

If only a portion of commodity represented by a negotiable warehouse receipt is delivered, that warehouse receipt must be canceled by the warehouseman and a new receipt issued covering the balance of commodity remaining in storage.

No commodity represented by an outstanding negotiable warehouse receipt shall be delivered until such outstanding receipt is returned to the warehouseman.

No warehouse receipt shall be canceled by the warehouseman until the commodity represented by such receipt has been removed from storage.

No original warehouse receipt shall be destroyed until same has been canceled by the commission.

Original warehouse receipts voided by the warehouseman for any reason shall be immediately forwarded to the commission for cancellation.

When a warehouse license is canceled or otherwise terminated all unused warehouse receipts under such license shall be surrendered to the commission for cancellation.

**Rule No. W-13. Lost Receipt.** If a warehouse receipt is lost or destroyed, a duplicate may be issued in accordance with the provisions of section 543.20 of the Iowa bonded warehouse law. However, if the product rep-



resented by the lost or destroyed receipt is to be removed from storage, a release may be procured from the person to whom the receipt was issued, on a form provided by the commission for that purpose. The release, in duplicate, must then be forwarded to the office of the commission for cancellation in the same manner as provided for original receipts.

The indemnity bond to be required by the warehouseman before issuing a duplicate receipt in accordance with the provisions of section 543.20 must be in a form that will fully protect all rights under the missing original receipt and shall be in an amount not less than the full market value of the commodity covered by such missing receipt at the time the duplicate receipt is issued.

**Rule No. W-14. Storing of Commodities.** Bulk grain in storage shall be leveled off in such manner that the amount of grain in the storage facility may be readily determined.

Other than bulk grain storage shall be stored in such a manner that it can be readily inspected and the amount and kind thereof determined.

**Rule No. W-15. Storage on Hand to Cover Outstanding Receipts.** A warehouseman must at all times have sufficient commodities in his licensed warehouse facilities to cover all outstanding warehouse receipts. A warehouse receipt shall be considered as outstanding until returned to and canceled by the warehouseman.

**Rule No. W-16. Monthly Statements.** A statement shall be prepared at the close of business at the end of each calendar month and filed with the commission by the tenth of the month following. This statement shall be on a form prescribed by the commission, which will be furnished to the warehouseman upon request. A statement must be filed for each calendar month regardless of whether or not the warehouseman has commodities in storage.

**Rule No. W-17. Tariffs.** Each warehouseman, at the time of making application for a warehouse license, shall file a tariff with the commission and publish the same in accordance with the provisions of section 543.28, the Code, 1950. Such tariff shall be on a form prescribed by the commission, which forms will be furnished to the applicant upon request. Such tariff containing rates to be charged for storage, delivery, and conditioning of stored products shall be furnished in duplicate to the commission. After being properly numbered and dated by the commission, one copy of the tariff will be returned to the applicant for publication. Publication of the tariff shall be made by posting the same in a conspicuous place at the place of business of the applicant.

**Rule No. W-18. Amending Tariff.** Tariffs may be amended by the licensed warehouseman by filing a new tariff with the commission and publishing the same in the same manner as outlined for an original tariff. Such

amended tariff shall contain rates to be charged for the storage, delivery and conditioning of all commodities to be stored by the warehouseman. Upon the effective date of the amended tariff the previous tariff shall be considered void and canceled in its entirety.

**Rule No. W-19. Posting of Licenses and Tariffs.** Warehouse licenses, weigher and/or grader licenses and tariffs shall be posted in a conspicuous place at the warehouseman's place of business and in such manner as to be protected from damage or effacement.

**Rule No. W-20. Rates.** Rates charged by a warehouseman for storage, conditioning and delivery of agricultural products shall be those contained in the effective tariff filed with the commission in accordance with the provisions of section 543.28 of the Code, except there shall be no minimum charge requirement for storage or delivery of bulk grain stored for the sole purpose of processing and which is re-delivered to the original depositor.

[Amended November 23, 1964]

**Rule No. W-21. Identification of Licensed Storage Units.** Each storage unit and/or building licensed under the Iowa bonded warehouse law shall have painted thereon an identifying letter or numeral or both, assigned by the commission. These identifying letters or numerals shall be painted in a conspicuous place on the storage unit and/or building.

Identifying letters or numerals on a storage unit or building must remain legible as long as the unit or building continues as a licensed storage facility.

**Rule No. W-22. Maintenance of Storage Facilities.** All licensed storage facilities shall be maintained in such manner as to be suitable for the proper and safe storage of the particular product or products to be stored therein. Safe and adequate means of ingress and egress to the various storage units of the warehouse shall be provided and maintained by the warehouseman.

Storage units having entrance over twenty feet above ground or floor level and not in excess of fifty feet above such ground or floor level shall be equipped with a fixed ladder or safe and adequate lift. If equipped with fixed ladder, such ladder shall have side rails and rungs, these rungs to be spaced not to exceed one foot centers and there shall be sufficient space between ladder rung and face of structure to permit safe foot-hold. Storage units having entrance over fifty feet above ground or floor level shall be equipped with safe and adequate lift.

Walkways, lifts and ladders shall be kept clean and free of grain and other matter which might endanger the safety of persons using same.

Any storage facility which fails to meet these requirements will be called to the attention of the warehouseman. Failure of the warehouseman to place such facility in a suitable condition within a reasonable length of time will result in said facility being eliminated from coverage by the warehouse license.



Pursuant to authority vested in the Commission by section 327A.17, Code of Iowa, rules and regulations appearing at [1958] I. D. R. LC-1 through LC-29 are hereby rescinded and the following adopted in lieu thereof.

[Filed November 30, 1960]

**LIQUID TRANSPORT CARRIERS  
APPLICABLE RULES AND  
REGULATIONS**

**Rule LC-1.** These rules and regulations are subject to such changes and modifications as the commission from time to time may deem advisable in accordance with the provisions of chapter 17A, Code 1958.

**Rule LC-2.** The word "person" when used in the law or the rules and regulations of the commission will be interpreted by the commission as including any individual, firm, co-partnership, joint adventure, association, corporation, estate trust, business trust, receiver, or any other group or combination acting as a unit and the plural as well as the singular number.

**Rule LC-3.** Each liquid transport carrier shall at all times maintain on file with the commission effective insurance policy, policies or surety bond, made out in accordance with these rules and regulations with limits required by chapter 327A, Code 1958, with respect to the vehicles used in furnishing liquid transport carrier service. Such policy, policies, or surety bond shall be written for a period of one year or more. A certificate of insurance in the form prescribed by the commission may be filed in lieu of a policy.

**Rule LC-4. Endorsement for Policy.** Every policy filed or for which a certificate of insurance is filed with the commission shall have attached thereto the prescribed and applicable required endorsement or endorsements.

**Rule LC-5. Certificates of Insurance.** Certificates of insurance filed with the commission for liquid transport carriers in lieu of insurance policies written for the limits as prescribed by chapter 327A, Code 1958, shall be in accordance with forms prescribed by the commission.

**Rule LC-6. Insurance Binders.** Binders filed to comply with the insurance requirements of chapter 327A, Code 1958, and these rules and regulations pending the issuance and filing of an insurance policy or a certificate of insurance must be made out in accordance with the form prescribed by the commission.

**Rule LC-7. Cancellation and Reinstatements.** Thirty days prior written notice shall be given the commission of the cancellation of any policy, certificate of insurance or surety bond filed with the commission for a liquid transport carrier. Notices of cancellation and reinstatement shall show the correct name and address of the assured as then shown in the policy, the correct name of the insurance company and the correct number of the policy. Specific coverage under a policy

may be canceled when the notice of cancellation includes that information.

**Rule LC-8. Assignment of Interest Endorsement for Policy.** Assignment of interest endorsements filed for policies on file with the commission or for policies for which certificates of insurance have been filed with the commission shall be in accordance with the form prescribed by the commission.

**Rule LC-9. Surety Bond.** If a liquid transport carrier desires to file a surety bond to comply with the requirements of chapter 327A, Code 1958, the commission will, upon request, prescribe the form of such bond.

**Rule LC-10. Policies, Certificates and Bonds to Remain on File.** Insurance policies, certificates of insurance and surety bonds, filed with the commission by liquid transport carriers, shall remain on file in the office of the commission and must not be removed therefrom except with the express permission of the commission.

**Rule LC-11. Manner of Marking Equipment.** Before placing any equipment in service there shall be painted on each side of the semi-trailer (and/or on "Head Board") or on some suitable material securely placed on each side of such equipment in letters and figures large enough to be easily read at a distance of fifty feet and in a color in contrast to the background the following:

- (a) Name of liquid transport carrier.
- (b) Address of liquid transport carrier.
- (c) Ia. C. C. LC.....  
(Certificate number)

**Rule LC-12. Application for Certificate.** Application for a certificate of convenience and necessity to operate as a liquid transport carrier shall be made to the Iowa State Commerce Commission, Des Moines, Iowa, upon the forms prescribed for that purpose. All such applications shall be typewritten.

**Rule LC-13. Deposit.** Application for a certificate of convenience and necessity must be accompanied by a deposit sufficient to secure the payment of all costs and expenses of hearing and any preliminary investigation necessary in connection therewith. Such deposit shall not be less than one hundred dollars. The commission reserves the right to require such additional deposit as it may deem necessary.

Deposit must be made by certified check, bank draft, express money order or postal money order, payable to "Iowa state commerce commission." Any unused balance of a deposit will be refunded to the applicant.

**Rule LC-14. Publication of Notice of Hearing.** The applicant will be notified as to the time and place for hearing as soon as named by the commission and furnished with copies of the official notice of hearing, which the applicant shall cause to be published on the same day of the week two consecutive weeks in some newspaper of general circulation published in each county through or in which the

proposed service will be rendered. The last publication of said notice must be made not less than ten days prior to the date of the hearing. Proof of publication from each newspaper in which the notice was published must be filed with the commission five days prior to the date of the hearing. Failure to file such proofs may result in the cancellation of the hearing. The applicant shall pay the cost of such publication and shall file receipt from each newspaper showing the cost of publication has been paid. Applicant shall examine said notice prior to publication and notify the commission of applicant's approval of the form and content of the notice or submit a revised notice to the commission.

**Rule LC-15. Sale, Transfer, Lease or Assignment of Certificate.** Application for a proposed sale, transfer, lease or assignment of a certificate of convenience and necessity must be typewritten, signed and sworn to by all interested parties and filed with the commission at least ninety days prior to the proposed effective date.

Each application shall be made upon the forms prescribed for that purpose and applicant must comply with Rules LC 12, 13 and 14.

**Rule LC-16. Notice by Applicant to Liquid Transport Carriers.** Applicant filing an application for sale, transfer, lease or assignment of a liquid transport carrier certificate, in addition to the requirements of Rule LC-14, shall notify by registered or certified mail each liquid transport carrier holding a certificate of convenience and necessity issued by the commission to transport over, in, or through the area described in the application. Proof of notice by return signature card must be filed with the commission five days prior to the date of the hearing. The applicants shall pay the cost of such mailings. Failure to file proof may result in cancellation of the hearing.

**Rule LC-17. Annual Reports.** Every liquid carrier shall keep an accurate record of assets and liabilities, costs and depreciation of all equipment and other physical property owned, receipts from operation, operating and other expenses, gross amount of liquids hauled, actual miles traveled within and without the state and other required information and shall file with the commission for the calendar year an annual report, duly verified, in such form as the commission may prescribe, on or before February 28 of the year following that for which the report is filed. The commission will prescribe the character of the information to be embodied in such annual report, and will furnish a blank form therefor.

**Rule LC-18. Receipt for Freight.** Every liquid carrier shall issue in triplicate a receipt for freight received for shipment, which receipt shall contain the following:

1. Name of liquid carrier.
2. Date and place received.
3. Name of consignor.
4. Name of consignee.

5. Destination.
6. Description of shipment.
7. Rate and charges.
8. Signature of liquid carrier or agent.

One copy of such receipt shall be furnished to the consignor, one to the consignee and one retained by the liquid carrier.

**Rule LC-19. Interstate Carriers.** Chapter 327A, Code 1958, together with the rules and regulations thereunder adopted by the commission insofar as may be applicable, govern carriers affording service of a strictly interstate character. Application for a certificate covering such an operation shall be made upon forms prescribed by the commission. A showing of convenience and necessity before this commission is not a condition precedent to the granting of an interstate certificate. Therefore, no hearing is held for this purpose and Rules LC-13, LC-14, LC-20 and LC-22 of these rules and regulations may be disregarded when application is submitted. Applicant should have first complied with the Motor Carrier Act, administered by the interstate commerce commission and the rules and regulations thereunder adopted. All interstate carriers shall file and maintain with this commission appropriate liability and property damage insurance policy or policies, surety bond, or proper certificate(s) of liability and property damage insurance covering said motor vehicles used within the state of Iowa in accordance with Rule LC-3.

**Rule LC-20. Annual Certificate Fee.** Application for a certificate of convenience and necessity shall be accompanied by a remittance in an amount sufficient to pay the annual certificate fee of five dollars for each trailer described on the form attached to the application. The remittance will cover the certificate fee for each trailer described from the date the certificate is issued until the thirty-first day of December of the year in which the certificate is issued. The annual certificate fee shall be remitted to the commission in the form of a certified check, bank draft, cashier's check or money order payable to the Iowa state commerce commission. The annual certificate fee of five dollars for each trailer for each year after the year in which the certificate is issued shall be due and payable on or before the first day of January of each succeeding year and shall be remitted in the form prescribed above.

**Rule LC-21. Fee Receipt.** The holder of an intrastate certificate shall be furnished a receipt for each certificate fee paid. The receipt shall be carried with the described trailer at all times.

**Rule LC-22. Equipment Changes or Additions.** Before placing any additional trailers in service, the holder of a certificate of convenience and necessity shall pay the commission the annual fee and furnish a complete description of such trailer operated in intrastate commerce together with information as to the time to be placed in service. Description shall show registration of equipment and factory number.

**Rule LC-23. Form and Contents.** All liquid transport carriers shall maintain on file with the commission a tariff stating the rates and charges to be made for the services performed under their certificates; also a classification, if class rates are to be assessed, stating the ratings which are to be applied in connection with the rates named in said tariff. All tariffs and classifications must conform to the following regulations, except as otherwise authorized by the commission.

**Section I. Construction and Filing of Tariffs:**

(a) All tariffs and amendments or supplements thereto must be in book, pamphlet or loose leaf form of size eight by eleven inches. They must be plainly printed, mimeographed, planographed, stereotyped, or reproduced by other similar durable process on good quality paper.

No alteration in writing or erasure shall be made in any tariff or supplement thereto.

A margin of not less than five-eighths inch, without any printing thereon must be allowed at the binding edge of each tariff and supplement.

(b) All tariffs and supplements must be filed and posted at least thirty days prior to the effective date thereof, unless otherwise authorized by the commission, except that tariffs, supplements, or adoption notices issued in connection with applications for liquid transport carriers, or the transfer of certificates from one liquid transport carrier to another, may become effective on a date not earlier than the date on which permits are issued or transferred.

(c) Issuing liquid transport carriers or their agents shall transmit to the commission two copies of each tariff, supplement, or revised page. Both copies shall be included in one package accompanied by a letter of transmittal listing all tariffs enclosed and addressed to the Iowa State Commerce Commission, Rate Division, Des Moines. All postage or express must be prepaid.

**Section II. Title Page of Every Tariff and Supplement Shall Show in the Order Named:**

(a) Each tariff shall be numbered in upper right hand corner, beginning with Number 1. Such number shall be shown as follows: "Ia. C. C. No. ...."

When tariffs are issued canceling a tariff or tariffs previously filed, the Ia. C. C. number or numbers that have been canceled must be shown in the upper right hand corner under the Ia. C. C. number of the new tariff.

(b) Supplements to a tariff in addition to showing the Ia. C. C. number of the tariff amended thereby shall be numbered beginning with the number 1 and such information shall be shown in the upper right hand corner. Supplements shall also show in the upper right hand corner the numbers of any previous supplements canceled thereby and also the numbers of the supplements containing all changes made in the tariff.

(c) Name of liquid transport carrier or name of agent issuing tariff. Whenever two or more liquid transport carriers join in a through rate, the names of all participating liquid transport carriers must be shown. The name of each liquid transport carrier must be the same as that appearing in its certificate (or application if no certificate has been issued).

If the liquid transport carrier is not a corporation, and a trade name is used, the name of the individual or partners must precede the trade name.

Whenever two or more liquid transport carriers join in a through rate, authority by means of proper power of attorney or concurrence, as provided in sections VIII and IX hereof, must be given the agent or liquid transport carrier publishing the tariff.

(d) A brief description of the territory in which, or points from and to which, the tariff applies.

(e) Date of issue and date effective.

(f) Name, title and street address of liquid transport carrier or agent by whom tariff is issued.

**Section III. Tariffs Shall Contain in the Order Named:**

(a) Table of contents, arranged alphabetically showing the number of the page on which each subject may be found.

If a tariff contains so small a volume of matter that its title page or interior arrangement plainly indicates its contents, the table of contents may be omitted.

(b) A complete index of all commodities on which specific rates are named therein, together with reference to the page or items in which they are shown. No index need be shown in tariffs of less than five pages or if the rates are alphabetically arranged by commodities.

(c) Explanation of all abbreviations, symbols and reference marks used in the tariff.

(d) When a tariff names rates by classes, a classification of articles must be published in the tariff or in a separate tariff. When a classification is published in a separate tariff, reference must be made thereto on the title page of the rate tariff as follows:

Governed, except as otherwise provided herein, by the (here name) classification (showing issuing agent) Ia. C. C. No. .... supplements to or successive issues thereof.

All liquid transport carriers shown as participating carriers in a rate tariff which is governed by a separate classification must be named as participating carriers in such separate classification.

(e) Table of rates. All rates must be explicitly stated in cents or in dollars and cents, per one hundred pounds, per mile, per hour, per ton of two thousand pounds, per truck load (of stated amount), or other definable measure.

Tariffs containing tables of rates based on distances from point of origin to destination must show the mileages or indicate a definite

method by which such mileages shall be determined.

(f) Liquid transport carriers or their agents may not publish class or commodity rates which duplicate or conflict with rates published by or for account of such liquid transport carriers.

**Section IV. Commodity Rates:**

Commodity rates on articles in stated truckload or in less-than-truckload quantities may be published, and where they differ from a published class rate basis, the lower rate shall take preference.

**Section V. Tariff Changes:**

(a) All rates, charges, and classifications which have been filed with the commission must be allowed to become effective and remain in effect for a period of at least thirty days before being changed, canceled, or withdrawn, unless otherwise authorized by the commission.

(b) All tariffs, supplements and revised pages (including classifications) shall indicate changes from preceding issues by use of the following symbols:

- ↓ or (R) to denote reductions.
- ◆ or (A) to denote increases.
- ▼ or (C) to denote changes, the result of which is neither an increase nor a reduction.

The proper symbol must be shown directly in connection with each change.

**Section VI. Posting Regulations:**

Each liquid transport carrier must post and file at its principal place of business tariffs, classifications, and governing rules and regulations. All tariffs must be kept available for public inspection or examination at all reasonable times.

**Section VII. Applications for Special Permission:**

Liquid transport carriers and agents when making application for permission to establish rates, charges, classification ratings or rule on less than statutory thirty days notice shall use the form prescribed by the commission.

**Section VIII. Powers of Attorney:**

(a) Whenever a liquid transport carrier desires to give authority to an attorney and agent to issue and file tariffs and supplements thereto in its stead, a power of attorney in the form prescribed by the commission must be used.

**Section IX. Concurrence Notice:**

(a) Whenever a liquid transport carrier desires to concur in tariffs issued and filed by another liquid transport carrier or its agent a concurrence using the form prescribed by the commission shall be issued in favor of such other liquid transport carrier.

(b) The original of all powers of attorney and concurrences shall be filed with the commission and a duplicate of the original sent to the agent or liquid transport carrier in whose favor such document is issued.

(c) Whenever a liquid transport carrier desires to cancel the authority granted an agent or another liquid transport carrier by power of attorney or concurrence this may be done by a letter addressed to the commission revoking such authority on sixty days notice, except for good cause shown the commission will authorize a lesser notice. Copies of such notice must also be mailed to all interested parties.

**Rule LC-24. Complaints on Rates.** All complaints filed with this commission against liquid carriers alleging violation of effective tariff shall be written and contain the following information:

- (1) The name, address and certificate number of the liquid carrier against whom claim is made.
- (2) Complete information as to type of liquid transported, name of shipper and receiver of freight and definite information as to rates assessed.
- (3) An allegation setting out complainant's ground for complaint.
- (4) Such other information as may be pertinent to the subject matter of the complaint.
- (5) Complaint must be signed by complainant.

**Rule LC-25. Complaint on Tariffs.** A complaint against a liquid carrier charging that the rates, charges, classifications and rules and regulations pertaining thereto contained in the effective tariff of such liquid carrier are unjust, unreasonable or discriminating must be filed in accordance with the commission's rules of practice and when so filed said complaint shall be set down for hearing and hearing held thereon as provided by the said rules of practice, provided that in addition to the persons who may file complaints under the provisions of the rules of practice the superintendent of motor transportation division may file a complaint against a liquid carrier under this rule. On such hearing the commission shall fix or approve the rates, charges, classifications and rules and regulations pertaining thereto, of the liquid carrier complained against.

**Rule LC-26. Drivers.** Every liquid transport carrier who acts as a driver shall comply with all requirements of the law applying to drivers.

Liquid transport carriers shall see that all prospective drivers are familiar with the provisions of chapter 327A and all other laws applying to liquid transport carriers and these rules and regulations, before allowing them to operate a motor vehicle.

**Rule LC-27. Definitions.** (a) On duty: A driver is "on duty" from the time he begins to work or is required to be in readiness to work until the time he is relieved from work and all responsibility for performing work. EXCEPT time spent resting in a sleeper berth or not driving or assuming any other responsi-

bility while traveling, each driver must be given at least eight consecutive hours off duty after arrival at destination, during which period he shall be considered as off duty.

(b) **Driving Time:** The terms "drive," "operate" and "driving time" include all time spent on a moving vehicle and any interval not in excess of ten minutes in which the driver is on duty and not on a moving vehicle. EXCEPT the terms "drive," "operate" and "driv-

ing time" do not include certain travel time under the exceptions in section (a) of this Rule.

**Rule LC-28. Driver's Daily Log.** Every liquid transport carrier shall require that a driver's daily log shall be made in duplicate by every driver employed or used by it and every driver who operates a motor vehicle shall make such log. Such log shall be in the form below.

DRIVER'S DAILY LOG												ORIGINAL—File each day at home terminal. DUPLICATE—Driver retains in his possession for one month.												
(One calendar day — 24 hours)																								
(Month) (Day) (Year)			(Total mileage today)			I certify these entries are true and correct:						(Vehicle or state license number)												
(Name of Carrier)						(Driver's signature in full)																		
(Main Office Address)						(Home Terminal Address)																		
												MID-NIGHT	1 2 3 4 5 6 7 8 9 10 11 NOON 1 2 3 4 5 6 7 8 9 10 11											Total Hours
1: OFF DUTY																								
2: SLEEPER BERTH																								
3: DRIVING																								
4: ON DUTY (Not Driving)																								
REMARKS																								
MID-NIGHT																								
Check the time and enter name of place you reported and were released from work and when and where each change of duty occurred.																								
FROM: (Starting point or place)						TO: (Destination or turn around point or place)																		
USE TIME STANDARD AT HOME TERMINAL																								

**INSTRUCTIONS FOR THE USE OF DRIVER'S DAILY LOG**

**Rule LC-29.** Drivers and liquid transport carriers will be held responsible for the proper maintenance of the daily logs. Drivers shall keep the log current to the time of the last change of duty status. Failure to make logs, failure to make required entries therein, falsification of entries, or failure to file logs with the liquid transport carrier will make both the driver and the carrier liable to prosecution.

**Rule LC-30.** The driver shall forward each day the original log to his home terminal. If the services of a driver are used by more than one carrier during a calendar day, the driver shall furnish each motor carrier a copy of his log for the entire day. In such case the log shall indicate the name of each carrier served by the driver during that day.

**Rule LC-31.** The original logs shall be retained by the liquid transport carrier for a period of one year. Duplicate copies of the logs are the driver's personal records and are to be kept for a period of one month in the possession of the driver while he is on duty.

**Rule LC-32.** The time standard in effect at the driver's home terminal shall be used. The log shall be prepared, maintained, and submitted for a twenty-four-hour calendar day beginning at midnight.

**Rule LC-33.** All entries shall be made by the driver except that the name and main office address of the liquid transport carrier may be printed or otherwise entered by an authorized representative of the carrier. The name of the liquid transport carrier shall be that for which the driving is performed. In case of the driver of a leased vehicle, the name shown shall be that of the liquid transport carrier performing the transportation.

**Rule LC-34.** The driver shall certify to the correctness of the log by signing his name in full.

**Rule LC-35.** In addition to the identification of the carrier and the driver's signature, the entries shall indicate:

(a) The month, day and year for which the log is prepared.

(b) The total mileage traveled during the calendar day covered by the log.

(c) The carrier's vehicle number or, if no such number is provided, the state license number of the power unit.

(d) Driver's home terminal address.

(e) The actual period or periods during the calendar day spent in the activities specified on lines 1, 2, 3 and 4 by drawing a continuous line between the appropriate time markers. The following directions are illustrative only and are not to be construed as modifying these definitions or rules.

Line 1, **off duty**. All time, except that spent in a sleeper berth, when the driver is not working, is not required to be in readiness to work, or is not under any responsibility for performing work.

Line 2, **sleeper berth**. All time resting in a sleeper berth.

Line 3, **driving**. All time spent driving or riding on a moving vehicle, including all stops not in excess of ten minutes, except that time spent in a sleeper berth or time spent traveling under the conditions named in Rule LC-19.

Line 4, **on duty** (not driving). All time spent by a driver in performing work other than driving, such as loading, or unloading, preparing reports, remaining in readiness to perform work, remaining in charge of disabled vehicles, stops for meals unless the driver has been relieved from duty, etc.

(f) Under "Remarks" the time and the name of the place where each such change of duty occurred, such as the place of reporting for work, starting to drive, stops exceeding ten minutes in duration and where released from work. Explain any emergency resulting in hours exceeding those permitted by the regulations.

(g) In the column "total hours," the hours and fractions thereof shown in each of lines 1, 2, 3 and 4. The sum of the entries in this column must total twenty-four hours. Enter the place where the trip began and the final destination or farthest turn-around points. On trips requiring more than one calendar day, the log for each day shall show the origin and final destination at the bottom of the log with the points of beginning and ending the travel of that day shown as required by "f" in "Remarks." If a driver departs from and returns to the same place on any day, the "destination or turn-around point" shall be the farthest point reached before the driver begins his return trip.

NOTE: The Iowa state commerce commission will not provide supplies of the log. The log may be incorporated as a part of any daily form used by a carrier provided it is so ruled and the log appears distinct and separate from other portions of such form. In reproducing the log, dimensions of approximately five and one-fourth by seven and one-half inches shall be used. The full instructions for the use of the log must be reproduced either on the reverse side of each log sheet or, if logs are bound in book form, on either side of the book cover. Stocks of logs in the possession of car-

riers or their suppliers on the effective date of these regulations may be used.

#### QUALIFICATIONS OF DRIVERS

**Rule LC-36.** Every liquid transport carrier and his or its officers, agents, representatives and employees who drive motor vehicles or are responsible for the hiring, supervision, training, assignment or dispatching of drivers, shall comply with the requirements of this Rule.

(a) *Minimum Requirements.* No person shall drive, nor shall any liquid transport carrier require or permit any person to drive any motor vehicle unless that person possesses the following minimum qualifications:

No loss of foot, leg, hand or arm—no mental or functional disease likely to interfere with driving—no loss of fingers, impairment of use of foot, leg, fingers, hand or arm or other structural defect or limitation likely to interfere with safety driving.

Visual acuity of at least 20/40 (Snellen) in each eye either without glasses or by correction with glasses—ability to distinguish colors red, green or yellow—drivers requiring correction by glasses shall wear properly-prescribed glasses at all times when driving.

Hearing shall not be less than 10/20 in the better ear for conversational tones, without a hearing aid.

The driver shall not be addicted to the use of narcotics or habit-forming drugs or the excessive use of alcoholic beverages or liquors.

Every driver shall be experienced in driving some type of motor vehicle (including private automobiles) for not less than one year including experience throughout the four seasons.

Every driver shall be competent by reason of experience in driving the type of motor vehicle or motor vehicles which he drives.

Every driver shall be familiar with the rules and regulations established by this commission and by the department of public safety of motor vehicles.

Every driver shall be not less than twenty-one years of age.

(b) *Physical Examination of Drivers.* No person shall drive nor shall any liquid transport carrier require or permit any person to drive any motor vehicle unless said person shall have been physically examined and shall have been certified by a licensed doctor of medicine as meeting the requirements of this rule.

Every driver shall be physically re-examined and shall be certified by a licensed doctor of medicine as meeting the requirements of this Rule at least once in every thirty-six months.

(c) *Certificate of Physical Examination.* Every liquid transport carrier shall have in its files at his principal place of business for every driver employed or used by it a legible certificate of a licensed doctor of medicine based on a physical examination as required by this rule, or a legible photographically reproduced copy thereof and every driver of such carrier is required to have in his possession

while driving such a certificate or photographically reproduced copy thereof covering himself.

A doctor's certificate shall certify as follows:

**DOCTOR'S CERTIFICATE**

This is to certify that I have this day examined ..... in accordance with rule LC-36 as required by the liquid transport carrier rules of the Iowa state commerce commission and that I find him

- Qualified under said rules.
- Qualified only when wearing glasses.

I have kept on file in my office a completed examination form for this person

.....  
 (Date) (Place)  
 .....  
 (Signature of examining doctor)  
 .....  
 (Address of doctor)

Signature of driver .....  
 Address of driver .....

(d) Nothing contained in this rule shall be construed as to prevent a liquid transport carrier from required additional or more stringent physical, mental or intellectual qualifications or age requirements than prescribed in this Rule.

**HOURS OF DRIVING**

**Rule LC-37.** (a) No liquid transport carrier subject to these regulations shall permit or require a driver in his employ to drive or operate for more than twelve hours in the aggregate in any period of twenty-four consecutive hours, unless such driver be off duty for eight consecutive hours during or immediately following the twelve hour aggregate driving, and within said period of twenty-four consecutive hours; provided, however, that two periods of resting or sleeping in a berth may be accumulated to give the aforesaid total of eight hours off duty.

(b) No liquid transport carrier subject to these regulations shall permit or require any driver in his employ to remain on duty for a total of more than sixty hours in any week; provided, however, that carriers operating vehicles on every day of the week may permit drivers in their employ to remain on duty for a total of not more than seventy hours in any period of one hundred ninety-two consecutive hours.

**CHAPTER 15  
 UTILITIES DIVISION**

Pursuant to authority of Chapter 490A, Code of Iowa, 1966, the following rules are adopted:

**Rules of Practice and Procedure Before the Iowa State Commerce Commission on Public Utility Matters.**

[Filed February 18, 1966]

**15.1 (Ch. 490A) General Information.**

**15.1 (1) Procedure Governed.** These rules and regulations are promulgated under chapter 490A, Code of Iowa, as guides for practice and

procedure thereunder before the Iowa State Commerce Commission (hereinafter referred to as the "commission") unless otherwise ordered by the commission in any proceeding, and subject to such special rules, regulations or amendments thereto which may hereafter be adopted.

No rule or regulation of the commission shall in any way relieve a utility from any of its duties under the law of this state.

None of the procedures provided for herein shall apply to electric transmission line hearings under chapter 489 of the Code of Iowa or to pipeline and underground gas storage hearings under chapter 490 of the Code of Iowa.

**15.1 (2) Communications.** All communications to the commission shall be addressed to the Iowa State Commerce Commission, Des Moines, Iowa, unless otherwise specifically directed. Pleadings and other papers required to be filed with the commission shall be filed in the office of the commission within the time limit, if any, for such filing. All communications and documents are deemed to be officially received when delivered at the office of the commission.

**15.1 (3) Suspension or Alterations of Rules.** The commission may in its discretion on its own motion, or upon request, amend, modify or suspend any of these rules.

**15.1 (4) Examiners.** Hearings will be conducted by the Commission.

Examiners may be designated by the commission to preside at and conduct hearings and shall have the following authority:

- a. To regulate the course of hearings, the recessing, reconvening and adjournment thereof, unless otherwise ordered by the commission;
- b. To administer oaths and affirmations;
- c. To rule upon the admissibility of evidence and offers of proof;
- d. To take or cause depositions to be taken;
- e. To dispose of procedural matters and to dispose of motions to dismiss proceedings or other motions which involve final determination of proceedings, subject to review by the commission upon application by the aggrieved party;
- f. Within their discretion, or upon direction of the commission, to certify any question to the commission for its consideration and disposition;

g. To permit the filing of written briefs, if any, and to fix the conditions thereof and the time in accordance with 15.7 (12) and to provide for the service thereof on the parties;

h. To hold appropriate conferences before or during hearings;

i. To take any other action necessary or appropriate to the discharge of the duties vested in them, consistent with law and with the rules, regulations and orders of the commission.

**15.2 (Ch. 490A) Matters Applicable to All Proceedings.**

**15.2 (1) Service of Papers.** The notice or other papers which are required to be served may be served personally or by depositing in the United States mail properly addressed with postage prepaid and when any party has appeared by attorney, such service upon the attorney shall be deemed proper service upon the party.

**15.2 (2) Parties Entitled to Service.** All parties in any proceeding shall be served with all notices, motions, pleadings or orders filed or issued in said proceeding.

**15.2 (3) Orders of the commission.** All orders made by the commission will be filed in the office of the commission in Des Moines. Orders of the commission shall be deemed to become effective upon entry by the commission unless otherwise provided in the order.

**15.2 (4) Forms of Papers.** The commission suggests the following guides and reserves the right to, and may, require compliance if the commission deemed such compliance to be necessary or desirable:

a. All papers filed in any proceeding should be legible in typing, printing or long-hand.

b. If typewritten or in longhand, the impression should be only one side of the paper, and lines should be double spaced, except that long quotations may be single spaced, and indented. Mimeographed, multi-graphed, hectographed, photostated or plano-graphed papers, and the like, will be accepted as typewritten.

c. If printed, the paper should be unglazed, and the printing should be in clear type adequately leaded.

d. All papers, except exhibits, should be cut or folded so as not to exceed a width of eight and one-half inches and a length of fourteen inches, and should have inside margins not less than one inch wide. Whenever practical, all exhibits of a documentary character should conform to said requirements of size and margin.

e. Pleadings such as complaints, written motions, notices and applications for further hearing or rehearing should contain the address of the party filing the paper or if represented by an attorney, the name and business address of such attorney, the caption "Before the Iowa State Commerce Commission", and docket number, if any, assigned to the proceeding.

**15.2 (5) Number of Copies of Pleadings.** Upon filing application, complaint or other pleading, the person filing the same should file an original and three copies thereof with the commission and furnish additional copies for each and every respondent or party to be served by the commission and such other copies as the commission may request.

**15.2 (6) Copies of Exhibits.** An original and three copies of all exhibits, rate compila-

tions, statistical and other tabulated statements which any applicant intends to offer in evidence other than in rebuttal, must be filed with the commission not later than the beginning of the first day of the first hearing unless otherwise provided by the commission. One copy of such exhibits, compilations or statements shall be furnished to each party upon request. Any other party desiring to introduce any exhibit during the course of a hearing shall furnish an original and three copies of such exhibits for the use of the commission, and one copy to each party upon request, unless otherwise provided by the commission.

**15.2 (7) Parties.**

a. The parties to proceedings before the commission are complainants, petitioners, applicants, respondents and intervenors. The term corporation as used herein shall include municipal corporation.

"Complainants" are persons, corporations or associations who complain to the commission by written complaint of any act or things done or omitted to be done in violation, or claimed to be in violation, of chapter 490A, Code of Iowa, or of any order or rule of the commission shall be deemed a complainant in any proceeding initiated on its own motion.

"Petitioners" and "applicants" are parties who by written petition, application or filing, apply for or seek relief from the Commission, and who are not otherwise designated in this rule.

"Respondents" are parties against whom a complaint or petition is filed, or who by reason of interest or possible interest in the subject matter of a petition or application or the relief sought therein are made respondents, or to whom an order is directed by the commission initiating a proceeding.

"Intervenors" are persons, corporations (including municipal corporations), associations or public authorities who upon written petition, are permitted to intervene in any proceeding before the commission; provided that, in the case of any inquiry, investigation or hearing on any matter relating to rates or other charges or services within any city or town such city or town may become a party to the proceeding and an intervenor by filing with the commission its written appearance.

b. Any party to the proceeding may appear and be heard by an attorney at law authorized to practice in the State of Iowa. A natural person may appear and be heard in his own behalf. A corporation or association may appear and present evidence by any bona fide officer or employee, provided however, only persons admitted to practice as attorneys and counselors at law shall represent a party in proceedings before this commission in any matter involving the exercise of legal skill or knowledge except with consent of the commission. All persons appearing in proceedings before this commission shall conform to the standard of ethical conduct required of attorneys before the courts of Iowa. If any person



does not conform to such standards, the commission may decline to permit such person to appear in any proceeding.

c. The commission or its examiner may permit all persons, corporations, associations or public authorities to be heard, to examine and cross-examine witnesses, but they shall not be parties to the proceedings unless so designated in paragraph "a" of this rule, provided, however, that testimony or statement of any person so appearing shall be given under oath and that such person shall be subject to cross-examination by the parties to the proceeding.

d. The commission's staff, its representatives and agents may appear at any hearing and shall have all rights of participation as a party to the proceeding.

15.2 (8) *Method of Intervention.* The request to intervene in a proceeding shall be by petition to intervene filed at least five days prior to the time said matter is called for hearing, but not afterward, except for good cause shown.

The petition must be in writing and shall contain (1) the name of the petitioner; (2) the grounds of the proposed intervention; (3) the position and interest of the petitioner in the proceeding; (4) a prayer for leave to intervene and be treated as a party to the proceeding; and (5) if affirmative relief is sought, specific prayers for such relief, which may be in the alternative. Such petitions must be accompanied by the affidavit of a person with knowledge as to the facts set forth in the petition.

The commission may, in its discretion, grant or deny such petition or may permit intervention by such person limited to particular issues or to a particular stage of the proceeding.

The granting of any petition to intervene shall not have the effect of changing or enlarging the issues specified in the commission's notice of hearing, unless the commission shall, on motion, amend the same.

15.2 (9) *Amendments to Pleadings.* Amendments to pleadings may be allowed upon proper motion at any time during the pendency of the proceeding upon such terms as shall be just and reasonable.

15.3 (Ch. 490A) **Complaints.**

15.3 (1) *Complaints.* Complaints shall be handled by the commission as provided by section 3 chapter 490A of the Code of Iowa.

15.3 (2) *Form of Complaints.* The commission at its discretion may require a complaint to be in writing in substantially the following form:

BEFORE THE IOWA  
STATE COMMERCE COMMISSION

(Insert name of complainant)  
Complainant)

(Insert name of each respondent)  
Respondent)

NO. ....  
(To be inserted by the Secretary of the Commission if not assigned)

COMPLAINT

The complaint of (*here insert full name of such complainant*) respectfully shows:

(1) That (*here state name, occupation, and post-office address of each complainant*) is (are) complainant (s) herein;

(2) That (*here state name, occupation, and post-office address of each respondent*) is (are) respondent (s) herein;

(3) That (*here insert fully and clearly the specific act or thing complained of, such facts as are necessary to give a full understanding of the situation, and the law, order, or rule, and the section or sections thereof, of which a violation is claimed. Be specific and detailed.*)

WHEREFORE, complainant asks (*here state specifically the relief desired*).

Dated at .....Iowa, this.....  
.....day of.....  
19.....

.....  
(Name of each complainant)

.....  
(Name and address of attorney if any)

15.3 (3) *Dismissal of Complaints.* Complaints may be dismissed by the commission upon the filing of an application for dismissal, stating the reasons therefore, by the complainant or the respondent, or upon the motion of the commission.

15.4 (Ch. 490A) **Applications and Petitions.**

15.4 (1) *Form of Applications and Petitions.* All applications and petitions shall be in writing. An original and three copies of the application or petition shall be filed. The application or petition must set forth the full name and post office address of the applicant or petitioner and must contain an adequate statement of facts on which the application or petition is based, with a request for an order, authorization, permit or franchise desired.

15.4 (2) *Dismissal of Application and Petitions.* Applications and petitions may be dismissed by the commission upon the filing of an application for dismissal, stating the reasons therefore, by the applicant or petitioner, or upon the motion of the commission.

15.4 (3) *Applications Filed in Accordance with the Provisions of section 7, chapter 490A, Code of Iowa.*

a. Any public utility filing an application with the commission requesting a determination of the reasonableness of its rates, charges, schedules, service or regulations shall submit at the formal proceeding ordered by the commission as a result of such application, all information and data, by means of testimony or exhibits, necessary for the commission to make such determination. All such testimony and exhibits shall be given or presented by competent witnesses, under oath or affirmation, and the proceeding itself shall be governed by the applicable provisions of sections 15.1, 15.2, and 15.3 of these rules.

b. Unless otherwise specifically authorized by the commission, rates and charge determinations shall not be heard in the same proceeding as one for service.

c. All of the foregoing requirements shall likewise apply in the event the commission shall, on its own motion, initiate a formal proceeding to determine the reasonableness of a public utility's rates, charges, schedules, service or regulations.

**15.4 (4) Tariffs or Sheets to be Filed on Thirty Days Notice.** No public utility subject to rate regulation shall make effective any new or changed rate, charge, schedule or regulation except by filing the same with the commission at least thirty days prior to the effective date thereof. The commission, for good cause shown, may allow changes in rates, charges, schedules or regulations to become effective on less than thirty days notice.

**15.4 (5) Letter of Transmittal.** All tariffs and all additional original or revised sheets of tariffs and the accompanying letter of transmittal shall be filed with the commission in duplicate and shall include or be accompanied with such information as is necessary to explain the nature, effect, and purpose of the tariff or additional original or revised sheet submitted for filing. Such information shall include, when applicable:

- a. The amount of the aggregate annual increase or decrease proposed.
- b. The names of communities affected.
- c. The number and classification of customers affected.
- d. A summary of the reasons for filing and such other information as may be necessary to support the proposed changes.

**15.4 (6) Evidence.** Unless otherwise authorized by the commission, a utility shall, when proposing changes in tariffs or rate schedules, which changes relate to a general increase in revenue, prepare and submit with its proposed tariff the following evidence.

a. *Factors Relating to Value.* A statement showing the original cost of the items of plant and facilities, for the beginning and end of the last available calendar year, any other factors relating to the value of the items of plant and facilities the utility deems pertinent to the commission's consideration, together with information setting forth budgeting accounts for the construction of scheduled improvements.

b. *Comparative Operating Data.* Information covering the latest available calendar year immediately preceding the filing date of the application.

- (1) Operating revenue and expenses by primary account.
- (2) Balance sheet at beginning and end of year.

c. *Test Year and Pro Forma Income Statements.* Schedules setting forth revenues, expenses, net operating income of the last available calendar year, the adjustment of

unusual items and by adjustment to reflect operations for a full year under existing and proposed rates.

d. *Additional Evidence.* The applicant may submit any other schedules, exhibits and data which it deems pertinent to the application.

**15.4 (7) Evidence Requested by the Commission.** The applicant shall furnish any additional evidence as ordered by the Commission at any time after the filing of the tariff.

**15.4 (8) Notice of Changes of Tariffs.** Notice of changes in tariffs or the filing of new tariffs shall be given to all cities, towns and counties affected by such changes by notifying the mayors and the chairmen of the boards of supervisors of such cities, towns and counties, respectively, by ordinary mail not more than fifteen days following the filing of such changes in tariffs or new tariffs with the commission. Proof of mailing of such notice shall be filed with the commission prior to the effective date of such changes in tariffs or new tariffs filed with the commission.

The commission may, in its discretion, waive the foregoing notice or require additional notice to be given. Failure of a mayor or chairman of a board of supervisors to receive a copy of the notice herein prescribed shall not invalidate such notice.

**15.4 (9) General Publicity.** Whenever changes in rates or regulations are put into effect under the provisions of section 6 of chapter 490A, Code of Iowa, allowing such rates, charges, schedules or regulations to be placed into effect under bond or by any other undertaking approved by the commission, ninety days subsequent to the filing of such changes, the utility shall acquaint the public with the changes by notifying the mayors of the cities and towns and the chairmen of the boards of supervisors of the counties, respectively, affected by such changes in the manner provided in section 15.4 (8) of these regulations.

**15.5 (Ch. 490A) Answers.**

**15.5 (1) Time for.** Answers to complaints, petitions, applications or other pleadings shall be filed with the commission within twenty days after the day on which such pleadings are served upon the respondent or other party unless otherwise ordered. The answer must specifically admit, deny or otherwise answer all material allegations of the pleadings and also briefly set forth the affirmative grounds relied upon to support such answer.

If the party fails to file an answer, issue as to such party will be considered joined.

**15.5 (2) Motion to Dismiss.** Any party who deems the complaint, petition, application or other pleading insufficient to show a breach of legal duty or grounds for relief may, instead of answering, move to dismiss. In such case, the facts stated in said pleadings will be deemed admitted for the limited purpose of determining the merits of said motion.

**15.6 (Ch. 490A) Notice.****15.6 (1) Service of Notice.**

a. The Commission will prescribe such notices as are required by law in hearings contemplated in sections 3, 6, and 7 of chapter 490A, Code of Iowa. All other pleadings, including briefs, applications for further hearing or rehearing, and notices of appeal shall be served by the party filing same upon all parties to the proceeding, unless otherwise ordered by the commission. Proof of service shall accompany the filing with the commission.

b. Proof of service of any paper shall be by certificate of attorney, affidavit or acknowledgment.

c. Unless otherwise provided by the commission, service shall be made by delivering in person or by depositing in the United States mail, properly addressed with postage prepaid, one copy to each party entitled thereto. When any party or parties have appeared by attorney, service upon the attorney shall be deemed service upon such party or parties.

d. Answers, intervening petitions, supplemental complaints and petitions, amendments to proceedings, written motions, affidavits in support of such motion, shall be served by the party filing the same upon all parties to the proceeding and shall be accompanied by proof of service upon such parties.

e. See section 15.4 (8).

**15.7 (Ch. 490A) Investigation and Hearings.**

**15.7 (1) Investigations.** The commission may at any time, on its own motion, investigate and inquire into the management of the business of any public utility, and, if it deems necessary, initiate investigations, issue subpoenas to require the attendance and testimony of witnesses, the production of all books, papers, tariff schedules, contracts, agreements and documents of the utility under investigation, and to inspect the same and to examine under oath or otherwise any officer, director, agent, or employee of any public utility.

The commission may also, through its own experts or employees, or otherwise, obtain such information as it may consider necessary or desirable in any investigation.

**15.7 (2) Hearings.** When the commission orders a hearing, witnesses shall be examined orally under oath or affirmation and their testimony shall be taken down and made a part of the record, or depositions may be taken under oath or affirmation upon such notice as is herein prescribed. The commission does not furnish copies of the record but in the event that any person, whether or not a party to the proceedings, shall desire a copy thereof, the same will be furnished by the reporter, upon request, in a reasonable time at a rate not exceeding the legal rate authorized by law.

**15.7 (3) Witnesses and Subpoenas.** At the direction of the Commission, subpoenas

may be issued by the commission for the attendance of witnesses or for the production of books, papers, records, accounts or documents at a hearing in a pending proceeding. Such subpoenas may be issued upon the motion of the Commission or upon application of any party to the proceeding in writing incorporating a showing that any such subpoena is reasonably required and specifying as nearly as possible the books, papers, records, accounts or documents desired to be produced and the material or relevant facts to be proved by them.

**15.7 (4) Stipulations.** The parties to any proceeding or investigation before the commission may, by stipulation in writing filed with the commission, agree upon the facts or any portion thereof involved in the controversy, subject to approval by the Commission or the Examiner.

**15.7 (5) Objections and Exceptions.** When objections are made to the admission or exclusion of evidence before the commission, the grounds relied upon shall be stated briefly. Formal exceptions are unnecessary.

**15.7 (6) Order of Procedure.** At hearings on complaints, the complainant shall open and close. At hearings upon applications, the applicant shall open and close. At hearings on investigations, the commission or examiner may direct who shall open and close, but when the investigation is on the motion of the commission, the commission's staff or its representatives shall open and close. In hearings on several proceedings on a consolidated record, the commission or examiner shall designate who shall open and close. Intervenor shall follow the parties in whose behalf the intervention is made, and, in all cases where the intervention is not in support of either original party, the commission or examiner will designate at what stage such intervenors shall be heard. The commission or examiner may direct departures from the foregoing order or procedure in its or his discretion.

**15.7 (7) Calling for Further Evidence.** At any stage of the hearing, or after the close of testimony, but prior to brief having been filed, the commission or examiner may call for further evidence upon any issue, and may require such evidence to be presented by the party or parties concerned or by the staff of the commission.

**15.7 (8) Depositions.** The commission or examiner, either upon its or his own motion, or upon application in writing by any party, may cause the depositions of witnesses residing within or without the state to be taken in the manner prescribed by law for like depositions in civil actions in the district courts of the state of Iowa.

**15.7 (9) Documentary Evidence.** When any material or relevant matter offered in evidence by any party is embraced in a book, paper or document containing other matter

not material or relevant, the party offering the same shall plainly designate the matter so offered. If in the judgment of the commission or Examiner, such immaterial or irrelevant matter would unnecessarily encumber the record, such book, paper or document will not be received in evidence as a whole, but the material or relevant portions thereof, if otherwise admissible, may be read into the record or a true copy thereof supplied in the form of an exhibit.

Any matter contained in a report or other document on file with the commission may be offered in evidence by merely specifying the report, document, or other file containing the matter so offered. The commission or examiner on its or his own motion or upon a motion of any party, may require the offering party to designate specifically the portion of the report document or other file offered in evidence and the purpose for which it is offered.

**15.7 (10) Appeals to Commission from Ruling of Hearing Examiner.** Any party objecting to a ruling of the Examiner may present his objections to the commission in writing within five days. Such procedure will not be permitted to delay proceedings.

**15.7 (11) Motions.** Motions, unless made during the hearings, shall be made in writing, shall set forth the relief or order sought and shall be filed with the secretary of the commission. Motions based on matter which does not appear of record shall be supported by affidavit.

**15.7 (12) Brief and Oral Arguments.** At the discretion of the commission or examiner oral arguments may be had by the parties with right of the commission or examiner to limit the time thereof and either party may have the right to furnish briefs. The commission or examiner shall designate the order in which oral arguments and briefs shall be made and filed.

**15.7 (13) Reopening Hearing.** At any time after the closing of a hearing but before the issuance of an order by the commission, any party to the proceedings may file with the commission or the examiner a petition to reopen the proceedings for the purpose of taking additional evidence. Copies of such petition shall be served upon all parties or their attorneys of record. Within ten days after the service of any such petition, any other party to the proceeding may file with the commission or the examiner his response to such petition.

Any time prior to the issuance of an order by the commission, after notice to the parties and an opportunity to be heard, the commission or examiner may reopen the proceedings for the reception of further evidence on the commission's or the examiner's own motion.

**15.8 (Ch. 490A) Rehearings.**

**15.8 (1) Application for Rehearing.** All applications for rehearing will be made and processed in accordance with section 12, chapter 490A, Code of Iowa.

**15.8 (2) Contents of Application.** Applications for rehearing after decision made by the commission must state specifically the grounds upon which the application is based and must specify the findings of fact and conclusions of law claimed to be erroneous, with a brief statement of the grounds of error.

**15.9 (Ch. 490A) Prehearing Procedure.**

**15.9 (1) Prehearing Conference.** An informal conference of parties may be ordered at the discretion of the commission or examiner or at the request of any party prior to a hearing in any proceeding.

a. For the purpose of formulating issues and considering:

(1) The simplification of issues.

(2) The necessity of desirability of amending the pleadings either for the purpose of clarification, amplification, or limitation.

(3) The possibility or making admissions of certain averments of fact or stipulations thereof, to the end of avoiding unnecessary proof.

(4) The procedure at the hearing.

(5) The propriety of prior mutual exchange between or among the parties of prepared testimony and exhibits.

(6) Such other matters as may aid in the simplification of the evidence and disposition of the proceeding.

b. *Recordation.* Action agreed upon at the conference shall be made a part of the record in such manner as may be prescribed by the commission or examiner at the close of the conference.

**15.9 (2) Offers of Settlement.** Nothing contained in this section shall be construed as precluding any party to a proceeding from submitting at any time offers of settlement or proposals of adjustment to all parties and to the commission (or to staff counsel for transmittal to the commission), or from requesting conferences for such purpose.

The fact that proposals of settlement or of adjustment or as to procedure to be followed and proposed stipulations have been made by any party but not agreed to by parties to whom offered shall be privileged and shall not be admissible in evidence against any counsel or parties claiming such privilege.

[Filed February 18, 1966]

CHAPTER 16  
ACCOUNTING RULES AND REGULATIONS

[Filed January 17, 1964]

**16.1 (490A) [Rule UA-1]. Uniform Systems of Accounts—electric.** The 1958 uniform systems of accounts for Class A, B, C, and D electric utilities, including editorial and clarifying changes as of June, 1960, of the National Association of Railroad and Utilities Commissioners, are adopted with the following modifications:

**16.1 (1) General Instruction 1-A** of the uniform systems of accounts for electric utilities

is changed for Class D electric utilities to read: "Utilities having annual electric operating revenues of less than \$150,000.00."

**16.1 (2)** General Instruction 1-B of the uniform systems of accounts for electric utilities is modified by adding the following sentence: "Utilities subject to rate regulation by the commission shall keep all the accounts of this system of accounts which are applicable to their affairs and utilities not subject to rate regulation shall keep the accounts of these systems of accounts for operating revenue only."

**16.1 (3)** General Instruction 1-D of the uniform systems of accounts for electric utilities is modified by adding the following sentence: "It is recommended but not required that electric utilities not subject to rate regulation keep all applicable accounts as recommended for Class A, B, C and D utilities."

**16.1 (4)** General Instruction 2-D of the uniform systems of accounts for electric utilities is modified by adding the following sentence: "This shall not prohibit the electric utilities from using such additional accounts as they are required or permitted to keep for their reporting to other regulatory authorities or to their stockholders providing the commission is notified of the nature, amount and purpose of such accounts in the annual report to the commission and at such other times as may be requested by the commission."

**16.2 (490A) [Rule UA-2], Uniform Systems of Accounts—gas.** The 1958 uniform systems of accounts for Class A, B, C and D gas utilities, including editorial and clarifying changes as of June, 1960, of the National Association of Railroad and Utilities Commissioners, are adopted with the following modifications:

**16.2(1)** General Instruction 1-A of the uniform systems of accounts for gas utilities is changed for Class D gas utilities to read: "Utilities having annual gas operating revenues of less than \$150,000.00."

**16.2(2)** General Instruction 1-B of the uniform systems of accounts for gas utilities is modified to add the following sentence: "Gas utilities subject to rate regulation by the commission shall keep all the accounts of this system of accounts which are applicable to their affairs and gas utilities not subject to rate regulation shall keep the accounts of this system of accounts for operating revenue only."

**16.2 (3)** General Instruction 1-D of the uniform systems of accounts for gas utilities is modified by adding the following sentence: "It is recommended but not required that gas utilities not subject to rate regulation keep all applicable accounts as recommended for Class A, B, C and D gas utilities."

**16.2 (4)** General Instruction 2-D of the uniform systems of accounts for gas utilities is modified by adding the following sentence: "This shall not prohibit the gas utilities from using such additional accounts as they are re-

quired or permitted to keep for their reporting to other regulatory authorities or to their stockholders providing the commission is notified of the nature, amount and purpose of such accounts in the annual report to the commission and at such other times as may be requested by the commission."

**16.3 (490A) [Rule UA-3]. Uniform Systems of Accounts—water.** The 1957 uniform systems of accounts for Class A, B, C and D water utilities, including editorial and clarifying changes as of June, 1960, of the National Association of Railroad and Utilities Commissioners are adopted with the following modifications:

**16.3 (1)** General Instruction 2-D of the uniform systems of accounts for water utilities is modified by adding the following sentence: "This shall not prohibit the water utilities from using such additional accounts as they are required or permitted to keep for their reporting to other regulatory authorities or to their stockholders providing the commission is notified of the nature, amount and purpose of such accounts in the annual report to the commission and at such other times as may be requested by the commission."

**16.4 (490A) [Rule UA-4]. Uniform Systems of Accounts—telephone.** The uniform systems of accounts for telephone utilities adopted by the F.C.C., editorial revision effective December 7, 1963, are adopted with the following modifications:

**16.4 (1)** The General Instructions of the F.C.C. uniform systems of accounts for Class A and Class B telephone companies are modified by adding to General Instructions Section 31.01-1 the following instruction: "(h) The preceding paragraphs "b," "c," and "d" are modified to provide that telephone utilities subject to rate regulation by the commission shall keep all the accounts of this system of accounts which are applicable to their affairs and telephone utilities not subject to rate regulation shall keep the accounts of this system of accounts for operating revenues only. It is recommended but not required that telephone utilities not subject to rate regulation keep accounts as recommended for Class A, B, C and D companies."

**16.4 (2)** The General Instructions of the F.C.C. uniform systems of accounts for Class A and Class B telephone companies, section 31.2-26, are modified to insert after the title: "This section applies only to those companies which are required by the F.C.C. to maintain continuing property records."

**16.4 (3)** The General Instructions of the F.C.C. uniform systems of accounts for Class C telephone companies are modified by adding to General Instructions section 33.1 "b" the following: "Telephone utilities subject to rate regulation by the commission shall keep all the accounts of this system of accounts which are applicable to their affairs and telephone utilities not subject to rate regulation shall

keep the accounts of this system of accounts for operating revenues only. It is recommended but not required that telephone utilities not subject to rate regulation keep accounts as recommended for Class A, B, C or D companies."

16.4 (4) The General Instructions of the F.C.C. uniform systems of accounts for Class A, B and C telephone companies are modified by adding the following sentence: "This shall not prohibit the telephone companies from using such additional accounts as they are required or permitted to keep for their reporting to other regulatory authorities or to their stockholders, providing the commission is notified of the nature, amount and purpose of such accounts in the annual report to the commission and at such other times as may be requested by the commission."

16.5 (490A) [Rule UA-5]. **Uniform Systems of Accounts—telegraph.** The uniform systems of accounts for telegraph utilities adopted by the F.C.C., editorial revision, effective December 7, 1963, are adopted with the following modifications:

16.5 (1) The General Instructions of the F.C.C. uniform systems of accounts for telegraph companies are modified by adding the following sentence: "This shall not prohibit the telephone companies from using such additional accounts as they are required or permitted to keep for their reporting to other regulatory authorities or to their stockholders, providing the commission is notified of the nature, amount and purpose of such accounts in the annual report to the commission and at such other times as may be requested by the commission."

[These rules shall become effective on January 17, 1964]

[Filed January 17, 1964]

CHAPTER 17

ASSESSMENT RULES AND REGULATIONS

[Filed September 14, 1965]

17.1 (490A). **Definition of "Direct Assessment."** The charge to a particular public utility for expenses incurred by the commission for the purpose of determining rate matters to investigate the books, accounts, practices, and activities of, or make appraisals of the property of, or to render any engineering or accounting services to any public utility.

17.2 (490A). **Definition of "Remainder Assessment."** The charge to all public utilities for the annual expenses reasonably attributable to the performance of the commission's duties prescribed by chapter 490A of the Code, after deducting the direct assessments and excluding the salaries of the commissioners.

17.3 (490A). **Notice of Investigation and of Intention to Assess Costs.** The commission shall notify any utility to be assessed of the commission's intention to assess the costs incurred in any matter for which direct assessment can be made.

17.4 (490A). **Expenses to be Included in Direct Assessments.**

17.4 (1) Salaries of commission employees, which will be computed on an hourly rate obtained by dividing the individual's annual salary, and related benefit costs borne by the state, by the appropriate number of standard working hours for the year. The time of all commission employees engaged on the matter for which a direct assessment is to be made, whether on the property of the public utility, in the offices of the commission, or elsewhere, including travel time, will be included. The maximum chargeable time per person shall not exceed eight hours per day or forty hours per week.

17.4 (2) Travel expenses incurred in an investigation or in rendering services by commission personnel or by others employed by the commission will be charged to the utility. Travel expenses include costs of transportation, lodging, meals, and other normal expenses attributable to traveling.

17.4 (3) Whenever the commission finds it necessary to engage persons, facilities, or equipment for consulting advice, particular projects or services arising out of investigations, the cost to the commission of such special services, facilities, or equipment, shall be chargeable to the public utility under investigation.

17.5 (490A). **Definition of "Gross Operating Revenues Derived From Intrastate Public Utility Operations."** All revenues from intrastate operations includable in the operating revenue accounts of the prescribed uniform systems of accounts and operating revenues from the sale of heat; provided, however, that such revenues shall not include the following: (a) Uncollectible revenues; (b) Amounts included in the accounts for interdepartmental sales and rents.

17.6 (490A). **Reporting of Operating Revenues.** Every public utility shall file with the commission on or before April 1st of each year a verified report, on forms prescribed by the commission, showing its gross operating revenues derived from intrastate public utility operations during the preceding calendar year. Such revenues are to be reported on the accrual basis or the cash basis consistent with the annual report filed with the commission.

17.7 (490A). **Compilation of Assessment.** The revenues for the remainder assessment shall be compiled by the commission and each utility assessed in proportion to its respective gross operating revenues during the last calendar year. The bill or accompanying letter of transmittal to each utility shall indicate the assessable revenue for the utility, the rate at which the assessment was computed, and the assessment amount. Utilities not subject to rate regulation will be assessed at one-half the rate assessed those subject to such regulation.

[Filed September 14, 1965]

**CHAPTER 18  
UTILITY RECORDS**

**Rules to Govern the Preservation of Records of Public Utilities Subject to Regulation of Rates by this Commission.**

[Filed November 16, 1965]

**18.1 (490A). Definition of "NARUC Rules".** The "Regulations to Govern the Preservation of Records of Electric, Gas, and Water Utilities, Revised 1963," as published by the National Association of Railroad and Utilities Commissioners.

**18.2 (490A). Definition of "Part 42 — FCC Rules and Regulations".** The unit of Volume X of the Rules and Regulations of the Federal Communications Commission officially designated as "Part 42, Preservation of Records of Communication Common Carriers," as adopted by the Federal Communications Commission in Docket 13080 and published in the Federal Register on October 4, 1960 and as amended by Transmittal Sheet No. X-9 to Volume X of Rules and Regulations January, 1961 Edition, effective date September 1, 1965.

[Amendment filed January 11, 1966]

**18.3 (490A).** The NARUC rules are adopted as a part of the rules of this commission and shall apply to any electric, gas, or water public utility which is subject to regulation of rates by this commission.

**18.4 (490A).** Part 42 — FCC rules and regulations, as amended by Transmittal Sheet No. X-9, is hereby adopted as a part of the rules of this commission and shall apply to any public utility furnishing communication services to the public for compensation and which is subject to regulation of rates by this commission.

[Amendment filed January 11, 1966]

**18.5 (490A).** Supplementing the regulations of the NARUC and Part 42 — FCC rules and regulations, as amended by Transmittal Sheet No. X-9: the following addition is made to the general instructions of the NARUC and Part 42 — FCC rules and regulations as amended by Transmittal Sheet No. X-9:

**Records of Service**

**Performed by Associated Companies**

Any public utility to which the rules and regulations governing the preservation of records apply shall assure the availability of records of services performed by associated companies for the period indicated herein, as are necessary, to support the cost of services rendered to it by an associated company.

This instruction shall apply to any public utility which is subject to regulation of rates by this commission.

[Filed November 16, 1965:

Amendment filed January 11, 1966]

**COMPTROLLER, STATE**

Pursuant to the authority of section 8.6 of the Code, the rules that appear in 1962 I.D.R. 102 and 103 as amended by I.D.R. July 1964 Supplement 10 are rescinded and the following adopted in lieu thereof:

**AUDITING CLAIMS**

[Filed February 16, 1966;  
effective October 1, 1965]

All vouchers and claims required by law to be audited by the State Comptroller should conform to the following rules:

**Rule 1.** All claims shall be typewritten, or written in ink, and be itemized and certified to by the claimant. 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. Claims shall show in the space provided therefore reference to the appropriation or allocation from which the claim is payable.

**Rule 2.** Claims for personal property sold, or services rendered to the state, should have the original invoices attached whenever possible to do so.

**Rule 3.** Claims for personal property sold or services rendered to the state shall be deemed presented for payment when filed or received by the department whose approval thereof is required under Rule 1, notwithstanding any delay by the department in forwarding same with its approval to the comptroller for payment.

**Rule 4.** When compensation is fixed on an annual or monthly basis and services rendered cover less than a full month, compensation is to be made on the basis of a thirty-day month.

**Rule 5.** Officers and employees shall be allowed lodging and meal expenses when required to travel outside of the city or town of their residence or official domicile, but in no event shall the amount thereof exceed \$13.00 per day in this state. The \$13.00 per day limit includes:

A. Lodging (Name of establishment where expense is incurred must be given and receipt submitted.)

B. Meals (Receipts may be required at the option of state comptroller.) If travel does not require overnight lodging, meal allowance will be restricted as follows:

(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 \$7.00 per day for three meals.

(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 \$5.75 per day for lunch and dinner.

(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 \$3.25 for breakfast and lunch.

(4) Those traveling on state business who



depart after 7:00 a.m. and return before 6:00 p.m. may be reimbursed a maximum of \$2.00 for lunch.

C. Sales tax on lodging and meals.

Lodging and meal expenses are not limited outside the state, but the expenditures should be reasonable. (Receipt for lodging to be submitted.)

This rule does not apply to elected officials, and the State Comptroller may, at the request of a department head, grant other exceptions necessitated by unusual circumstances.

**Rule 6.** Officials and employees continuously employed at the seat of government or at an official domicile, will not be allowed subsistence expense. Officers and employees whose residence is elsewhere than the official domicile will not be allowed any expense at such residence or for traveling between residence and official domicile.

**Rule 7.** The place of official domicile or residence should be shown on the claim in addition to the place where expense is incurred, the nature of employment, and by whom ordered.

**Rule 8.** 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.

**Rule 9.** Federal tax exemption certificates should be used in connection with the purchase of transportation, or on any article that has federal tax. Any payment of such tax will be deducted from claim.

**Rule 10.** The statutory allowance of ten cents per mile for use of private automobile

in state business shall include all expense of the automobile.

**Rule 11.** The hire of special conveyance will be allowed only when no public or regular means of transportation are available, or when such public or regular means of transportation cannot be used advantageously, in which case receipt therefor should accompany claim, or its absence satisfactorily explained.

**Rule 12.** Telegraph or long distance telephone expense shall show that same was for official business, and between what points and parties. When calling or wiring a state officer or department, reverse charges.

**Rule 13.** All charges for necessary stenographic or typing service, rental of typewriter in connection with preparation of official reports or correspondence, clerical assistance, hire of conference room for state business and other expense should be charged under the heading "Miscellaneous" and will be allowed if approved by head of department, and if clearly, fully and satisfactorily explained and receipts for same are attached to claim. All parking and storage charges on state-owned vehicles will be paid when claim is accompanied by receipt. Registration fees away from the official domicile will be allowed when receipt is attached to claim. Registration fees at official domicile may be allowed with prior approval of State comptroller, and, if allowed, receipt must be attached to claim.

It is the duty of department heads and executive officers of boards and commissions to keep expenditures at the lowest reasonable amount in connection with expense incurred by reason of public service. [Filed February 16, 1966; effective October 1, 1965]

## CONSERVATION COMMISSION

The state conservation commission, under authority granted in section 109.39 of the Code, issues, from time to time, temporary administrative orders altering open seasons, bag limits, and possession limits on fish, game and fur-bearing animals. Copies of these orders may be obtained by addressing the Conservation Commission, State Office Building, Des Moines, Iowa.

### ADMINISTRATIVE ORDER No. 158

[Filed August 20, 1952]

The state conservation commission of Iowa on its own motion does hereby order and declare that under and pursuant to the power and authority of said section 109.39 aforesaid, a closed fishing season is hereby established in Rock Creek Lake, Jasper County; and Creston Lake, Union County; for the calendar year 1952 and thereafter, unless otherwise altered or amended by process of law.

See administrative orders No. 168, No. 197, No. 238 and No. 271.

### ADMINISTRATIVE ORDER No. 168

[Filed June 18, 1953]

The state conservation commission of Iowa on its own motion does hereby order and declare that under and pursuant to the power and authority of section 109.39, aforesaid, that Lake Geode, Des Moines and Henry counties; Lake Darling, Washington county;

Nine Eagles Lake, Decatur county, and Cold Springs Lake, Cass county are hereby open to fishing during the open season as established by law commencing at 5:00 o'clock a.m., June 14, 1953, subject to regulations that apply to all other inland waters of the state.

### ADMINISTRATIVE ORDER No. 169

[Filed June 25, 1953]

The state conservation commission on its own motion does hereby order and declare under and pursuant to the power and authority of the Act known as ch. 77, Acts 55th G.A. [§109.38, Code], aforesaid, that in all waters of the state legally open to fishing it shall be permissible to take carp, buffalo, dogfish, gar, quillback, and gizzard shad by the use of spear or bow and arrow from the first day of May to and including the thirty-first day of October in each year between the hours of sunrise and sunset.



**ADMINISTRATIVE ORDER No. 197**

[Filed April 5, 1955]

The state conservation commission of Iowa on its own motion does hereby order and declare that under and pursuant to the power and authority of section 109.39, Code 1954, that Green Valley Lake in Union county and Rock Creek Lake in Jasper county are hereby open to fishing during the open season as established by law commencing at 5:00 o'clock a.m., May 30, 1955, subject to regulations that apply to all other inland waters of the state.

**ADMINISTRATIVE ORDER No. 227**

[Filed September 4, 1956]

The state conservation commission on its own motion does hereby order and declare under and pursuant to the power and authority of section 111.4, chapter 111, Code of Iowa 1954, that no person, association, or corporation shall build or erect any pier, wharf, sluice, piling, wall, fence, obstruction, building or erection of any kind upon or over any state-owned land or water under the jurisdiction of the state conservation commission without first obtaining from such commission a written permit.

See also sec. 111.4 of the Code.

**ADMINISTRATIVE ORDER No. 237**

[Filed April 29, 1957]

The state conservation commission on its own motion does hereby order and declare under and pursuant to the power and authority of section 109.39, aforesaid, that the daily catch limit on walleye and sauger pike taken from the Mississippi River be eight for each species and the possession limit for walleye and sauger pike taken from the Mississippi River be sixteen for each species.

**ADMINISTRATIVE ORDER No. 238**

[Filed July 2, 1957]

The state conservation commission of Iowa on its own motion does hereby order and declare that under and pursuant to the power and authority of said section 109.39, chapter 109, Code of Iowa 1954, aforesaid, a closed fishing season is hereby established in Lake MacBride, Johnson county; and Viking Lake, Montgomery county, for the calendar year 1957 and thereafter, unless otherwise altered or amended by process of law.

**ADMINISTRATIVE ORDER No. 271**

[Filed March 16, 1959]

The state conservation commission of Iowa on its own motion does hereby order and declare that under and pursuant to the power and authority of section 109.39, aforesaid, that Lake MacBride in Johnson county and Viking Lake in Montgomery county are hereby open to fishing during the open season as established by law commencing at 5:00 o'clock a.m., May 30, 1959, subject to regulations that apply to all other inland waters of the state.

[ORDER FILED NOVEMBER 7, 1957]

Pursuant to authority vested in this commission by the provisions of sections 109.6, 111.47 and 107.24, Code of Iowa 1954, the following rules and regulations are hereby adopted:

1. All fish and game lands are established as game management areas and blinds and decoys are prohibited on such areas between the hours of 6:30 p.m. and 5:00 a.m., except as otherwise provided by regulations of the conservation commission.

2. On Brown Slough in Lucas county waterfowl hunters are required to draw for blinds set up by the commission and all waterfowl hunting is prohibited in the area except from assigned blinds. Each waterfowl hunter using an assigned blind shall pay a fee in the amount of one dollar per day.

3. On Lake Odessa in Louisa county blinds and decoys are prohibited on the area from a period thirty minutes after sunset to forty-five minutes before sunrise.

**ADMINISTRATIVE ORDER No. 251**

[Filed April 16, 1958]

The state conservation commission on its own motion does hereby order and declare under and pursuant to the power and authority of section 109.39, Code 1954, that the open season for the commercial take of paddlefish and sand sturgeon in the Mississippi and Missouri Rivers open April 10, 1958. That a continuous closed season be established for the commercial take of rock sturgeon in the Mississippi and Missouri Rivers.

**DEPARTMENTAL RULING**

[Filed September 3, 1959]

Pursuant to authority vested in this commission by the provisions of sections 109.6, 111.47 and 107.24, Code of Iowa 1958, the following rules and regulations are hereby adopted as they apply to migratory waterfowl hunting:

All fish and game lands and waters are established as game management areas, and blinds and decoys are prohibited on all lakes and marshes now managed by the conservation commission between the hours of one-half hour after close of hunting time and midnight each day.

Pursuant to authority vested in this commission by the provisions of sections 109.6, 111.47 and 107.24, Code of Iowa 1954, the following rules and regulations are hereby adopted as they apply to migratory waterfowl hunting.

[Filed August 15, 1960]

**SPECIAL HUNTING REGULATIONS FOR ODESSA AREA DURING WATERFOWL SEASON**

1. All persons hunting in the area shall possess a valid permit.

2. Permits are valid only for the date issued and are not transferable.

3. All hunters shall exchange their hunting licenses at a check station for a permit.

4. Not more than six persons at a time shall hunt at a controlled site.

5. On controlled sites, decoys shall be placed within thirty feet of the numbered stake.

6. All hunting parties shall vacate controlled

sites within thirty minutes after filling bag limits.

7. Hunting shall cease each day at 3:00 p.m. (C.S.T.). (Subject to federal regulations.)

8. All party members shall report to the check station before leaving the area.

9. All hunting parties shall check out at the stations not later than 4:00 p.m. (C. S. T.) each day.

10. A permit may be refused or revoked to any person or party upon conviction of violation of any of the preceding regulations or upon conviction of violation of any of the laws in chapter 109, Code of Iowa, or migratory federal bird regulations.

Pursuant to authority vested in this commission by the provisions of sections 109.6 and 107.24, Code of Iowa 1958, the following rules and regulations are hereby adopted as they apply to migratory waterfowl hunting:

[Filed and indexed October 12, 1961]

SPECIAL HUNTING REGULATIONS FOR ODESSA AREA DURING DUCK SEASON

1. All hunters shall exchange their hunting licenses at a check station for registration on a party permit.

2. Permits are valid only for the date issued and are not transferable. No more than one valid party permit shall be issued to a person.

3. One person of each craft shall possess a valid party permit.

4. Not more than six persons at a time shall hunt at a controlled site.

5. On controlled sites, blinds must be placed within forty yards of the numbered stake and decoys must be placed within radius of thirty feet from the numbered stake.

6. All hunting parties shall vacate controlled sites within thirty minutes after filling bag limits.

7. Hunting shall cease each day at 3:00 p.m. (C.S.T.). (Subject to federal regulations.)

8. All party members shall report to the check station before leaving the area.

9. All hunting parties shall check out at the stations not later than 4:00 p.m. (C.S.T.) each day.

10. A permit may be refused or revoked any person or party upon conviction of violation of any of the preceding regulations or upon conviction of violation of any of the laws in chapter 109, Code of Iowa, or migratory federal bird regulations.

GAME MANAGEMENT AREAS

Pursuant to authority vested in this commission by the provisions of section 107.24, Code of Iowa 1958, the following rule is hereby adopted:

The attached list of lands and waters under the jurisdiction of the Iowa conservation commission are established as game management areas under the provisions of section 109.6, Code of Iowa 1958.

[Filed and indexed October 12, 1961]

CONSERVATION COMMISSION LANDS AND WATERS  
CLASSIFIED AS GAME MANAGEMENT AREAS

County	Name of Area	Total Acres	Acquired By Gift Purchase Exchange	Acres by Sovereignty
Allamakee	French Creek	461.75	461.75	
Allamakee	Kains Lake	200.00		200.00
Allamakee	Lansing Big Lake	679.00		679.00
Allamakee	Lansing Station	.19	.19	
Allamakee	Little Paint Creek	469.54	469.54	
Allamakee	Mud Hen Lake	164.00		164.00
Allamakee	New Albin Big Lake	200.00		200.00
Allamakee	Waukon Junction	203.389		
Allamakee	Yellow River Forest	4,704.438	4,704.438	
Benton	Dudgeon Lake	894.052	894.052	
Benton	Minne Estema	60.00	60.00	
Black Hawk	Cedar River Access	269.31	269.31	
Black Hawk	Childs Access	20.00	20.00	
Black Hawk	Husman Riffle Access	75.59	75.59	
Boone	State Experimental & Research Sta.	103.00	103.00	
Bremer	Sweets Marsh	1,600.041	1,600.041	
Buchanan	Cutshaw Bridge	26.66	26.66	
Buchanan	Otterville Bridge	187.123	187.123	
Buchanan	Troy Mills	276.528	276.528	
Buena Vista	Pickrel Lake	176.00		176.00
Buena Vista	Little Storm Lake	275.541	275.541	
Buena Vista	Storm Lake	3,060.00		3,060.00
Butler	Big Marsh	2,760.518	2,760.518	
Calhoun	North Twin Lake	573.52	4.52	569.00
Calhoun	South Twin Lake	600.00		600.00
Calhoun	Rainbow Bend	19.22	19.22	
Calhoun	Towhead Lake	193.627	193.627	
Carroll	Artesian Lake	42.00	42.00	
Carroll	Carroll Access	40.00	40.00	
Cerro Gordo	Clear Lake	3,643.00		3,643.00
Cerro Gordo	Clear Lake Fishing Access	7.10	7.10	
Cerro Gordo	Clear Lake Fish Ponds	42.12	42.12	
Cerro Gordo	Clear Lake Hatchery	.76	.76	
Cerro Gordo	Clear Lake Outlet	.50	.50	
Cerro Gordo	South Shore Access Areas	.50	.50	
Cerro Gordo	Ventura Marsh	350.84	350.84	
Cherokee	Soo Access	16.706	16.706	
Clay	Barringer Slough	1,058.41	1,058.41	
Clay	Dan Green Slough	310.95		310.95
Clay	Dewey's Pasture	401.302	401.302	
Clay	Elk Lake	261.00		261.00
Clay	Mud Lake	251.79		251.79
Clay	Ocheyedan Game Area	100.00	100.00	
Clay	Round Lake	438.00		438.00
Clay	Smith's Slough	291.50	291.50	
Clay	Trumbull Lake	1,229.47	39.47	1,190.00
Clayton	Big Spring Trout Hatchery	21.7	21.7	
Clayton	Sny Magill	Leased		
Clinton	Goose Lake	465.124	465.124	
Crawford	Abandoned R.R.	14.51	14.51	
Dallas	Earlham Bridge Access	9.00	9.00	
Dallas	Spring Valley Access	9.00	9.00	
Davis	Eldon Game Area	622.71	622.71	
Des Moines	Allen Green Refuge	119.80	119.80	
Des Moines	Edge Water Beach	1.57	1.57	
Des Moines	Skunk River Access	63.00	63.00	
Des Moines	Tama Beach	3.21	3.21	
Dickinson	Biology Building	.30	.30	
Dickinson	Caylor Prairie	160.00	160.00	
Dickinson	Center Lake	341.27	16.27	325.00
Dickinson	Christopherson Slough	203.608	203.608	
Dickinson	Crandalls Beach	5.68	5.68	
Dickinson	Diamond Lake	396.83	230.83	166.00

County	Name of Area	Total Acres	Acquired By Gift Purchase Exchange	Acres by Sovereignty
Dickinson	East Okoboji Access	2.67	2.67	
Dickinson	Garlock Slough	217.544	217.544	
Dickinson	Hales Slough	84.96	26.06	58.90
Dickinson	Hottes Lake	377.74		377.74
Dickinson	Jimmerson Slough	333.203	245.073	88.13
Dickinson	Hogsback Area	197.30	197.30	
Dickinson	Little Sprit Lake	214.00		214.00
Dickinson	Lower Gar Access	12.259	12.259	
Dickinson	Marble Lake	183.47		183.47
Dickinson	Marble Beach Access	64.35	64.35	
Dickinson	East Okoboji, Minnewashta & Upper and Lower Gar	1,875.97		1,875.97
Dickinson	Minnewashta Lake Access	0.97	0.97	
Dickinson	Narrows E. Okoboji	.27	.27	
Dickinson	Orleans Ballroom Site	.64	.64	
Dickinson	Orleans Fish Hatchery	31.43	31.43	
Dickinson	Pleasant Lake	83.56	7.01	76.55
Dickinson	Prairie Lake	108.86	8.57	100.29
Dickinson	Silver Lake	1,103.245	45.245	1,058.00
Dickinson	Spirit Lake & Outlet	5,684.48	.48	5,684.00
Dickinson	Spring Run	628.420	628.420	
Dickinson	Sunken Lake	62.40	62.40	
Dickinson	Swan Lake	379.64	8.64	371.00
Dickinson	Trappers Bay Access	7.58	7.58	
Dickinson	Welch Lake	75.00		75.00
Dickinson	West Okoboji	3,939.00		3,939.00
Emmet	Birge Lake	136.54	1.51	135.03
Emmet	Cheever Lake	351.473	69.473	282.00
Emmet	Eagle Lake	276.67	276.67	
Emmet	East Swan Lake	788.25		788.25
Emmet	Four Mile Lake	237.01	24.23	212.78
Emmet	Grass Lake	171.424	1.05	170.374
Emmet	High Lake	656.958	189.958	467.00
Emmet	Iowa Lake	526.35	218.35	308.00
Emmet	Ingham Lake	1,367.086	946.086	421.00
Emmet	Tuttle Lake	981.00		981.00
Emmet	Twelve Mile Lake	290.00		290.00
Emmet	Ryan Lake	366.14		366.14
Emmet	West Swan Lake	1,087.70	49.70	1,038.00
Fayette	Big Rock Access	179.86	179.86	
Fayette	Grannis Creek	82.5	82.5	
Floyd	Idlewild Access	125.615	125.615	
Franklin	West Fort Access	80.00	80.00	
Fremont	Forneys Slough	1,068.67	1,068.67	
Fremont	Riverton Area	941.16	941.16	
Fremont	Plum Creek	Leased	Leased	
Greene	Rippey Access	400.00		
Greene	Dunbar Slough	30.50	30.50	
Greene	Goose Lake	507.32	507.32	
Greene	Goose Lake	456.09	5.47	450.62
Guthrie	Bays Branch	791.32	791.32	
Guthrie	Lakin Slough	299.79	299.79	
Guthrie	Lennon Mills	20.92	20.92	
Guthrie	McCord Pond	112.00	112.00	
Hamilton	Little Wall Lake	273.00		273.00
Hancock	Crystal Lake	283.00		283.00
Hancock	Eagle Lake	919.12	4.60	914.52
Hancock	East Twin	493.32	300.32	193.00
Hancock	Ventura Marsh	279.04	279.04	
Hancock	West Twin	109.00		109.00
Hardin	Hardin City Access	24.50	24.50	
Harrison	Nobles Lake (see Pottawattamie)	199.633	36.053	163.58
Harrison	Rand Bar & River Access	65.00	65.00	
Harrison	Round Lake	393.39	393.39	
Harrison	Deer Island	512.00		
Henry	Oakland Mills Access	27.26	27.26	

County	Name of Area	Total Acres	Acquired By Gift Purchase Exchange	Acres by Sovereignty
Howard	Hayden Prairie	240.00	240.00	
Howard	Turkey River Access	87.00	87.00	
Humboldt	Bradgate Area	108.52	108.52	
Humboldt	Dakota City Access	.60	.60	
Humboldt	Fish Hatchery	9.61	9.61	
Ida	Washta Access	52.04	52.04	
Iowa	Randolph Access	398.00	398.00	
Jackson	Dalton Pond	5.00	5.00	
Jackson	Sabula Access	1,656	1,656	
Jasper	Kellogg Game Area	65.02	65.02	
Jasper	Rock Creek Lake Game Area Park	1,647,561	1,647,561	
Jefferson	MacCoon Game Area	71.37	71.37	
Johnson	Swan Lake	44.00		44.00
Johnson	Coralville Area	Leased		
Jones	Muskrat Slough	365.67	365.67	
Jones	Pictured Rocks	427,360	427,360	
Kossuth	Buffalo Creek	344,018	344,018	
Kossuth	Burt Lake	46.00		46.00
Kossuth	Goose Lake	223.98	113.08	110.90
Kossuth	Iowa Lake Slough	126,228	126,228	
Lee	Green Bay Lake	228.50		228.50
Linn	Matsell Bridge Access	36.37	36.37	
Linn	Palisades Access	89.00	89.00	
Louisa	Klum Lake	649.73	649.73	
Louisa	Cone Marsh	621.00	621.00	
Louisa	Lake Odessa Access Plus Snively Access	12,923	12,923	
Louisa	Lake Odessa	Leased		
Louisa & Muscatine	Muscatine Slough	1,813.63		1,813.63
Lucas	Browns Slough	802.06	802.06	
Lucas	Colyn Area	770.25	770.25	
Lucas	Williamson Pond	126.08	126.08	
Mahaska	Hull Mine Area	378.36	378.36	
Marion	Pella Mine Area	276.41	276.41	
Marshall	Nicholson Ford	107.03	107.03	
Mills	Willow Slough	596,999	596,999	
Monona	Blue Lake	987,039	4,326	982,713
Monona	Decatur Bend	5.64	5.64	
Monona	Onawa Materials Yard Access	3.04	3.04	
Monroe	Cottonwood Pits	55.00	55.00	
Monroe	LaHart Area	165.94	165.94	
Muscatine	Keokuk Lake	429.45		429.45
Muscatine	Weise Slough	1,180,011	1,180,011	
Osceola	Iowa Lake	116.00		116.00
Osceola	Rush Lake	336.55	22.46	314.09
Palo Alto	Five Island Lake	945.00		945.00
Palo Alto	Five Island Lake (F&G)	164.54	164.54	
Palo Alto	Lost Island Lake	1,260.00		1,260.00
Palo Alto	Oppedahl Area	183.96	183.96	
Palo Alto	Rush Lake	522.00	62.00	460.00
Palo Alto	Silver Lake	655.00	17.00	638.00
Palo Alto	Blue Wing Marsh	159.82	159.82	
Palo Alto	Virgin Lake	200.00		200.00
Plymouth	Millsite Access	16.21	16.21	
Pocahontas	Clear Lake	187.00		187.00
Pocahontas	Kalsow Prairie	160.00	160.00	
Pocahontas	Lizard Lake	268.00		268.00
Pocahontas	Sunken Grove	370.72	370.72	
Polk	Del Rio Access	22.77	22.77	
Polk	Flint Access	59.00	59.00	
Polk	Sycamore Access	.81	.81	
Pottawattamie	Clifford Sanctuary	40.00	40.00	
Pottawattamie	Lake Manawa and Access	919.08	919.08	
Pottawattamie	Nobles Lake	32.20	32.20	
Pottawattamie	Smith Area	200,897	200,897	
Pottawattamie	Wilson Island	495.00		
Ringgold	Mt. Ayr Hatchery	9.50	9.50	

County	Name of Area	Total Acres	Acquired By Gift Purchase Exchange	Acres by Sovereignty
Ringgold	Mt. Ayr Game Area	1,157.65	1,157.65	
Sac.	Black Hawk Lake	957.00		957.00
Sac.	Lake View Fish Hatchery	156.08	156.08	
Sac.	Sac City Access	23.39	23.39	
Scott.	Princeton Area	0.489	0.489	
Sioux	Rock-Sioux Access	30.0	30.0	
Story	Soper Mills	18.45	18.45	
Tama	Otter Creek Marsh	1,498.59	1,498.59	
Union	Thayer Pond	47.0	47.0	
Wapello	Cliffland Access	20.21	20.21	
Warren	Banner Mine Area	207.20	207.20	
Warren	Hooper Area	323.00	323.00	
Webster	Lehigh Area	40.20	40.20	
Webster	Lizard Creek Mine Area	102.82	102.82	
Winnebago	Harmon Lake	483.30	411.30	72.00
Winnebago	Myre Slough	429.854	429.854	
Winnebago-Worth	Rice Lake and Game Area	1,812.51	1,110.51	702.00
Winneshiek	Bluffton Area	93.54	93.54	
Winneshiek	Canoe Creek Access	224.16	224.16	
Winneshiek	Cold Water Springs	61.36	61.36	
Winneshiek	Cardinal Marsh	386.35	386.35	
Winneshiek	Malanaphy Springs	64.22	64.22	
Winneshiek	Masted Spring	16.919	16.919	
Winneshiek	North Bear Creek	230.98	230.98	
Winneshiek	Seiwars Springs	21.21	21.21	
Winneshiek	South Bear Access	234.84	234.84	
Winneshiek	Twin Springs	6.28	6.28	
Woodbury	Browns Lake	783.835	783.835	
Woodbury	Snyder Lake			
Worth	Brights Lake	122.43		122.43
Worth	Elk Creek Marsh	1,168.615	1,168.615	
Worth	Silver Lake	318.00		318.00
Wright	Big Wall Lake and Access	978.47	73.47	905.00
Wright	Cornelia Lake	290.41	17.41	273.00
Wright	Eagle Grove Hatchery	2.14	2.14	
Wright	Elm Lake	466.00	3.00	463.00
Wright	Morse Lake	171.64	63.64	108.00

ADMINISTRATIVE ORDER No. 305

[Filed September 22, 1961]

The state conservation commission on its own motion does hereby order and declare under and pursuant to the power and authority of section 111.4, aforesaid, that for the period beginning on the first day of November of each year and ending on the twentieth day of February of the following year, the following rules and regulations pertaining to the building or erection of fishing shelters for non-commercial purposes shall apply to all such buildings or structures placed on or over state-owned lands or waters under the jurisdiction of the state conservation commission:

1. A permit, for which no charge or fee will be made, must be secured from the state conservation commission for the erection of all buildings or structures used as fishing shelters on or over state-owned lands or waters.

2. All such buildings must be of a type and made from materials approved by the state conservation commission.

3. The permit number must be painted legibly in a color contrasting to the background on all sides of the shelter in numerals at least six inches high.

4. Failure to remove the building or structure and materials used in its construction from state-owned property on or before February twentieth of each year shall be deemed just cause for prosecution as provided for in section 111.4, chapter 111, Code of Iowa 1958.

5. Information containing the name and address of owner must be placed on door of shelter in a legible and durable manner.

6. Structures may not be locked when in use.

BOAT REGULATIONS

ADMINISTRATIVE ORDER No. 307

[Filed and indexed December 19, 1961]

The state conservation commission established the following regulations as provided in chapter 87, Acts of the 59th General Assembly of Iowa.

Regulation No. 1. Content of Application for Number.

The following information shall be furnished, required and stated in the application for number:

1. Name and address of the owner.
2. Date of birth.
3. Citizenship.

4. State of principal use.
5. Present number (if any).
6. Hull material (wood, steel, aluminum, plastic, other).
7. Type of propulsion (outboard, inboard, other).
8. Type of fuel (gas, diesel, other).
9. Length and width of boat.
10. Make, and year built (if known).
11. Statement as to use.
12. Signature.
13. Make of motor, serial number of motor.
14. Maximum number of persons intended on board.

**Regulation No. 2. Information on Certificate.**

The certificate of number shall show the following:

1. Name and address of boat owner.
2. Number issued.
3. Expiration date.
4. Make or model or type of boat.
5. Hull material (wood, steel, aluminum, plastic, other).
6. Length of vessel.
7. Propulsion (inboard, outboard, other).
8. Maximum capacity rating (number of persons).

**Regulation No. 3. Display of Number on Vessel, as to Size, Block Type and Contrasting Color.**

1. The identification number awarded to any vessel under the Iowa numbering system shall be displayed thereon by being:

(a) Painted on, or attached to, each side of the bow (i.e., the forward half) of the vessel; read from left to right; and in such position as to provide maximum visibility;

(b) In block characters of good proportion not less than three inches in height;

(c) Of a color which will contrast with the color of the background (i.e., dark numbers on a light background, or light numbers on a dark background) and so maintained as to be clearly visible and legible.

2. No other number shall be carried on the bow of the vessel.

3. Purchase and attachment of these letters and numbers is the responsibility of the boat owner.

**Regulation No. 4. Reporting of Boating Accidents.**

(a) A written report is required when an accident occurs on board, or involving any vessel in addition to those stipulated in the law.

1. The disappearance of any person from on board under circumstances which suggest any possibility of their death or injury.

(b) These reports shall be filed in triplicate with the state conservation commission in

writing and shall include the following information:

1. The numbers and/or names of the vessels involved.

2. The locality where the accident occurred.

3. The date and time where the accident occurred.

4. The weather and lake or river conditions at time of accident.

5. The name, address, age, and boating experience of the operator of the reporting vessel.

6. The names and addresses of the operators of the other vessel involved.

7. The names and addresses of the owners of vessels or other property involved.

8. The names and addresses of any person or persons involved or killed.

9. The nature and extent of injury to any person or persons.

10. A description of damage to any property (including vessels) and estimated cost of repairs.

11. A description of the accident (including opinions as to the causes).

12. The length, propulsion, horsepower, fuel and construction of the reporting vessel.

13. Names and addresses of known witnesses.

**Regulation No. 5. Numbering Pattern to Be Used.**

(a) The identification numbers awarded under the Iowa system shall consist of three parts. The first part shall consist of the letters, "IA" indicating this state. The second part shall consist of not more than four (4) arabic numerals. The third part shall consist of not more than two (2) letters.

(b) The parts shall be separated by a hyphen or an equivalent space. As examples:

IA-2500-C IA-9875-EA IA 7560 ZZ

(c) Since the letters "I", "O" and "Q" may be mistaken for arabic numerals, they shall not be used in the suffix.

**Regulation No. 6. Aft Light for Sailboats Less Than 26 Feet in Length.**

Vessels of Classes I and II propelled by sail alone between sunset and sunrise shall exhibit in addition to combine lantern a white light in aft part of boat which shows (360°) all around the horizon.

**Regulation No. 7. Buoyant Safety Equipment.**

Life preservers, life belts, ring buoys, or similar devices shall be Coast Guard approved.

**Regulation No. 8. Fire Extinguishers.**

Fire extinguishers shall be a Coast Guard approved type as identified in the Coast Guard publication equipment list (CG-190) by manufacturers model, number and size, or type bearing the labeling "marine type" by the Underwriter's Laboratories, Inc., which are Coast Guard approved as per Federal Register 5 November, 1960.

**Regulation No. 9. Number Designating Passenger Capacity.**

The passenger capacity of boats as assigned by the commission shall be painted or attached to the starboard side (the right side while in boat and facing the bow) of boat within nine inches of transom in three inches or larger block numbers in a color contrasting to the boat color so that the numbers ride above the water line when boat is fully loaded.

**Regulation No. 10. Lights Needed for Night Use and Operation of All Vessels of a Class Not Otherwise Requiring Special Lights by Either Law or Regulations.**

Any vessels on the waters of the state under the jurisdiction of the state conservation commission, while inhabited at anchor or underway and of a class of vessel not requiring special lights for operating while underway between the hours of sunset and sunrise, shall exhibit a white or amber light which shows all around the horizon between the hours of sunset and sunrise.

[Filed May 15, 1962]

**Regulation 11. Rescinded March 24, 1964.**

ADMINISTRATIVE ORDER No. 303

[Filed and indexed December 19, 1961]

The state conservation commission at its meeting on September 6, 1961, established the

following regulations as provided in chapter 87, Acts of the 59th General Assembly of Iowa.

The number and type of fire extinguishers required for motorboats within the state of Iowa are as follows:

**Approved Fire Extinguishers**

Each fire extinguisher is classified, by letter and number, according to the type of fire it may be expected to extinguish, and the size of the extinguisher. The letter indicates the type of fire ("A" for fires in ordinary combustible materials; "B" for gasoline, oil and grease fires). Extinguishers approved for motorboats are hand-portable, of either B-I or B-II classification.

Classification (type-size)	Foam (minimum gallons)	Carbon Dioxide (minimum pounds)	Dry Chemical (minimum pounds)
B-I .....	1¼	4	2
B-II .....	2½	15	10

The number of approved extinguishers required depends upon the class (or length) of the motorboat. One B-II extinguisher may be substituted for two B-I extinguishers. When the engine compartment of the motorboat is equipped with a fixed (built-in) extinguishing system of an approved type, one less B-I extinguisher is required.

**Fire Extinguishers Required**

Class of motorboat	Without fixed	With fixed
	Fire Extinguisher system in machinery space	Fire Extinguisher system in machinery space
I (less than 16 ft.)	1 B-I	None
II (16 ft. to under 26 ft.)	1 B-I	None
III (26 ft. to under 40 ft.)	2 B-I or 1 B-II	1 B-I
IV (40 ft. to 65 ft.)	3 B-I or 1 B-II and 1 B-I	2 B-I or 1 B-II

ADMINISTRATIVE ORDER No. 309

[Filed and indexed December 19, 1961]

The state conservation commission at its meeting on September 6, 1961, established the following regulations as provided in chapter 87, Acts of the 59th General Assembly of Iowa.

**Regulations on Boat Capacities**

All motorboats of conventional construction under eight and one-half feet in length are con-

sidered one passenger capacity crafts, eight and one-half to ten feet in length and forty-eight inches and over in width are considered two passenger capacity crafts.

All motorboats of conventional design between sixteen and one-half feet and twenty-five and one-half feet the following chart is used for determining passenger capacities. Motorboats above twenty-five and one-half feet are considered on an individual basis.



Length	Width	Passenger Capacity
16'6" - 17'6"	64" +	7
17'6" - 18'6"	68" +	8
18'6" - 19'6"	72" +	9
19'6" - 20'6"	76" +	10
20'6" - 21'6"	80" +	11
21'6" - 22'6"	84" +	12
22'6" - 23'6"	88" +	13
23'6" - 24'6"	92" +	14
24'6" - 25'6"	96" +	15

Pontoon boats will be figured on the basis of fifteen square feet of deck space per passenger capacity.

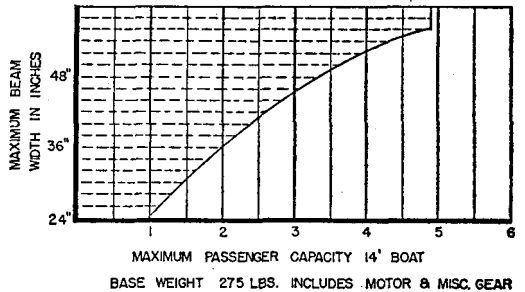
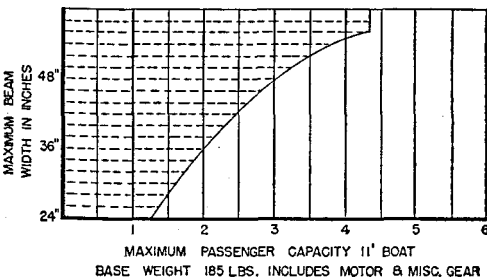
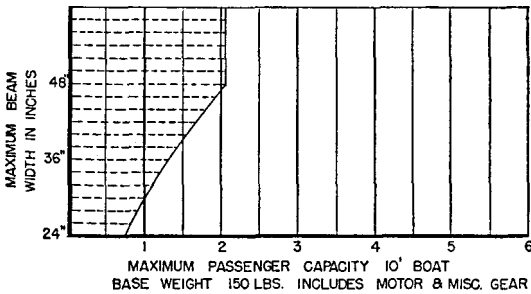
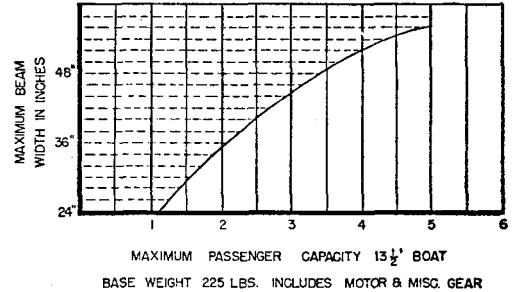
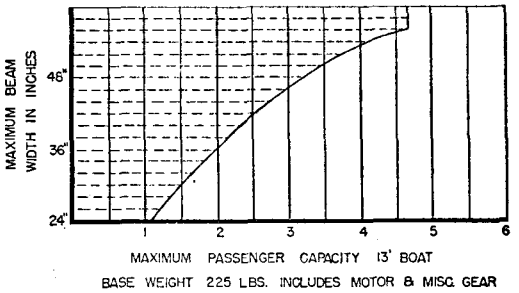
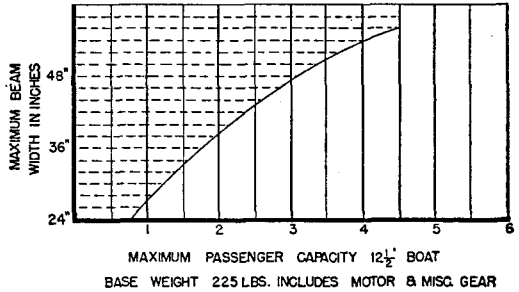
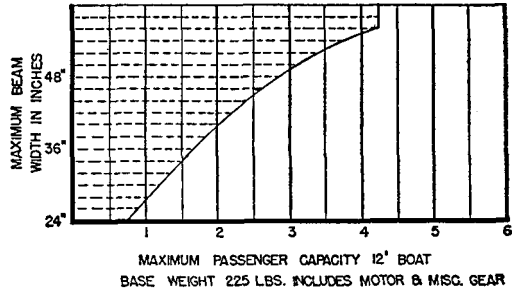
[Filed May 15, 1962]

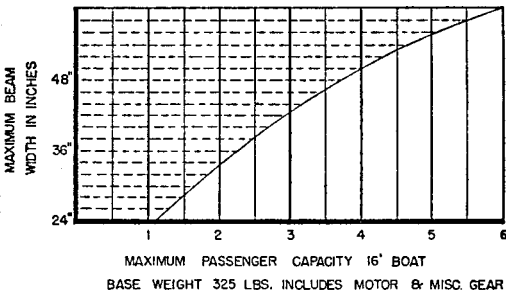
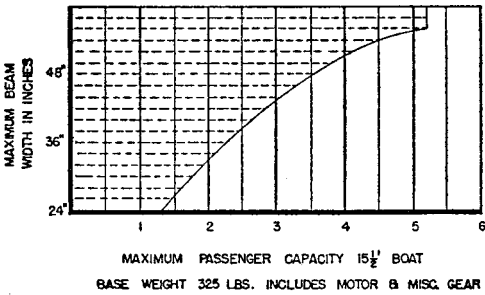
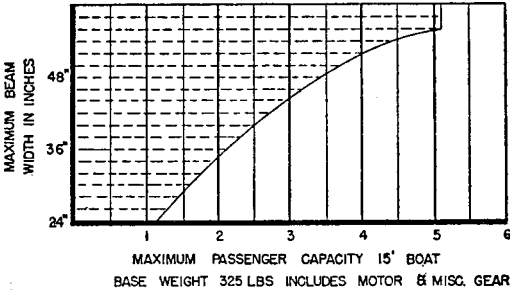
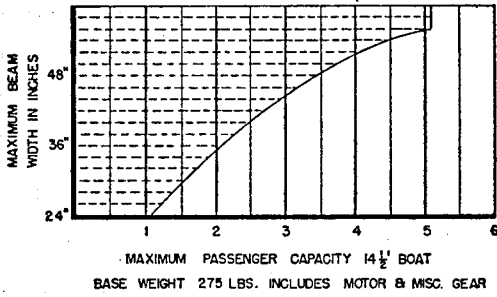
Houseboats are to be figured on the basis of twenty-five square feet of deck space per passenger capacity.

[Filed May 15, 1962]

In the loading of boats where children are passengers, the last adult may be substituted by two children if their total combined weight is less than one hundred sixty pounds, this special regulation not to alter the assigned passenger capacity of the vessel.

The following charts will be used in determining passenger capacities of motorboats of conventional design between ten feet and sixteen and one-half feet in length, with two clarifications—(1) should the passenger capacity result in a fraction less than one-half, the next lower passenger capacity figure shall apply and (2) should the passenger capacity result in a fraction over one-half, the next highest passenger capacity figure shall apply:





Passenger capacities of canoes for hire shall be limited to two passengers per canoe.

Passenger capacities of canoes used with motors on waters of the state under the jurisdiction of the state conservation commission are as follows:

Canoe Length in Feet	Passenger Limit
14 feet to 16 feet	2 passenger
16 feet to 19 feet	3 passenger
19 feet and over	4 passenger

Special motor driven canoes will be considered on an individual basis.

Passenger capacities of paddle propelled canoes on all state-owned artificial lakes shall be as follows:

Canoe Length in Feet	Passenger Limit
Under 16 feet	2 passenger
16 feet to 18 feet	4 passenger
Over 18 feet	To be determined on an individual basis.

**ADMINISTRATIVE ORDER No. 310**

[Filed and indexed December 19, 1961]

The state conservation commission at its meeting December 6, 1961, established the following regulations as provided in chapter 87, Acts of the 59th General Assembly of Iowa. Regulation on speed zoning.

The Joyce Slough Area, a portion of the Mississippi River within the city of Clinton, Iowa, is hereby zoned to be a harbor area and vessels traveling therein shall not travel at speeds in excess of five miles per hour.

**ADMINISTRATIVE ORDER No. 316**

[Filed and indexed June 21, 1962]

The state conservation commission hereby establishes the following local zoning regulations as provided in chapter 87, Acts of the 59th General Assembly of Iowa.

Special rules and regulations concerning the operation of vessels on the impoundment of the Maquoketa River in Delaware county, Iowa, extending Westerly and Northerly from the line between sections 29 and 30 in Delhi Township in said county, to the line between sections 10 and 15 in Milo Township in said county which impoundment is sometimes known and referred to as Hartwick Lake or Lake Delhi.

**Regulation No. 1**

Water recreation activities as restricted within posted areas which are marked with approved buoys shall be obeyed.

**Regulation No. 2**

No floating docks or man-made obstructions extending from the shoreline more than twenty-five feet shall be placed in the water without approval of the Delaware county sheriff.

**Regulation No. 3**

Buoys approved by the Delaware county sheriff's office shall be those of a system adopted by the state conservation commission on a state-wide uniform basis.

**Regulation No. 4**

Swimming in areas other than posted areas approved by the Delaware county sheriff must be within twenty-five feet of shore.

**Regulation No. 5**

All boats underway must maintain a speed of less than five miles per hour if within fifty feet of a moored fishing craft.

**Regulation No. 6**

Boating operation at speeds in excess of ten M.P.H. shall not take place prior to 9:00 A.M. and after 6:00 P.M. each day.

**Regulation No. 7**

All boating accidents shall be reported to the River Patrol Office in addition to reporting the accident to the state conservation commission as prescribed by law.

**Regulation No. 8**

All water skiers are required to wear life belts or preservers.

**Regulation No. 9**

Any finding or establishment of areas by the Delaware county sheriff under regulation No. 1, 2, or 3, shall be created by petition of interested persons or adjoining land owners filed with Delaware county sheriff, who shall establish or disallow same within ten days, by written notice of such petitioners. Any party aggrieved by such finding may appeal such determination to the Delaware county board of supervisors by written notice within ten days of such finding and a hearing shall be held thereon before such Board within thirty days thereafter. The decision of such Board shall be final and binding.

**Regulation No. 10**

Item 11, A-1 of Administrative Order No. 307, speed and distance regulations for state-wide waters shall not be applicable to this area. Therefore, Item 1, under Regulation No. 11, established under Administrative Order No. 307, is hereby waived in this particularly zoned area which reads as follows: "No motorboats shall be operated at speeds greater than five miles per hour when within two hundred fifty feet of another craft traveling at five miles per hour or less."

**ADMINISTRATIVE ORDER No. 317**

[Filed and indexed June 21, 1962]

The state conservation commission at its meeting on June 6, 1962, established the following rules and regulations as provided in chapter 87, Acts of the 59th General Assembly of Iowa. (a) A system of regulatory markers for use on all waters of the state to meet needs not provided by the U. S. Coast Guard system of navigational aids, and (b) A system of navigational aids for use on the waters of the state not marked by the U. S. Coast Guard and/or not determined to be U. S. navigable waters; provided that such rules and regulations shall not be in conflict with the markings prescribed by the U. S. Coast Guard.

**DEFINITIONS**

(as used in this Administrative Order)

(a) *Waterway marker* is any device designed to be placed in, on, or near the water to convey an official message to a boat operator on matters which may affect health, safety, or well being, except that such devices of the U. S. or any agency of the United States are excluded from the meaning of this definition.

(b) *Regulatory marker* is a waterway marker which has no equivalent in the U. S. Coast Guard system of navigational aids.

(c) *State aid to navigation* is a waterway marker which is the equivalent of a U. S. Coast Guard aid to navigation.

(d) *Buoy* is any device designed to float which is anchored in the water and which is used to convey a message.

(e) *Sign* is any device for carrying a message which is attached to another object such as a piling, buoy, structure or the land itself.

(f) *A display area* is the area on a sign or buoy needed for display of a waterway marker symbol.

(g) *Symbols* are geometric figures such as a diamond, circle, rectangle, etc., used to convey a basic message.

**Regulation 1.**

*Waterway markers* used on the waters of this state shall be as follows:

(a) State Aids to Navigation:

(1) A red-topped white buoy, red buoy, or sign shall indicate that side of a channel to be kept to the right of a vessel when entering the channel from the main water body or when proceeding upstream.

(2) A black-topped white buoy, black buoy, or sign shall indicate that side of a channel to be kept to the left of a vessel when entering the channel from the main water body or when proceeding upstream.

(3) A black and white vertically striped buoy or sign shall indicate the center of a navigable waterway.

(4) Buoys or signs in "a" and "b" above shall normally be used in pairs and only for the purpose of marking a clearly defined channel.

(5) A red and white vertically striped buoy or sign shall indicate boats should not pass between buoy and nearest shore.

(6) State aids to navigation shall be numbered or lettered for identification. Red buoys and signs marking channels shall be identified with even numbers, and black buoys and signs marking channels shall be identified with odd numbers, the numbers increasing from the main water body or proceeding upstream. Buoys and signs indicating the center of a waterway will be identified by letters of the alphabet. All numbers and letters used to identify state aids to navigation shall be preceded by the letters "IA".

(7) Letters and numerals used with state aids to navigation shall be white, in block characters of good proportion and spaced in a manner which will provide maximum legibility. Such letters and numerals shall be at least six inches in height.

(8) The shapes of state aids to navigation shall be compatible with the shapes established by Coast Guard regulations for the equivalent Coast Guard aids to navigation.

(9) Where reflectorized materials are used, a red reflector will be used on a red buoy, and a green reflector on a black buoy.

(b) Regulatory Markers

(1) A diamond shape of international orange with white center shall indicate danger. The nature of the danger may be indicated by words or well known abbreviations in black letters inside the diamond shape, or above or below it on white background.

(2) A diamond shape of international orange with a cross of the same color within it against a white center without qualifying explanation shall indicate a zone from which all vessels are excluded.

(3) A circle of international orange with white center will indicate a control or restriction. The nature of the control or restriction shall be indicated by words, numbers, or well known abbreviations in black letters inside the circle. Additional explanation may be given above or below it in black letters on white background.

(4) A rectangular shape of international orange with white center will indicate information, other than a danger, control or restriction, which may contribute to health, safety or well being. The message will be presented within the rectangle in black letters.

(5) Letters or numerals used with regulatory markers shall be black, in block characters of good proportion, spaced in a manner which will provide maximum legibility, and of a size which will provide the necessary degree of visibility.

#### Regulation 2.

##### *Authority to Place Markers*

(a) No waterway marker shall be placed on, in or near the waters of the state unless such placement is authorized by the agency or political subdivision of the state exercising jurisdiction, with respect to regulation of boating, over the area where placed, except that the provisions of this section shall not apply to private aids to navigation under the jurisdiction of the U. S. Coast Guard.

(b) Such agency or political subdivision of the state will, prior to authorizing placement, obtain the necessary clearances of federal and state agencies exercising regulatory authority over the area concerned.

(c) The agency or political subdivision of the state authorizing the placement of a waterway marker will inform the state conservation commission of the following:

(1) Exact location of the marker, expressed in distance and direction from one or more fixed objects whose precise location is known.

(2) The description and purpose of the marker including its identifying number, if any.

#### Regulation 3.

*Maintenance of Waterway Markers.* Waterway markers will be maintained in proper condition, or be replaced or removed.

#### Regulation 4.

##### *Display of Waterways Markers*

(a) A waterway marker may be displayed as a sign or a fixed support, as a buoy bearing a symbol on its surface, or as a sign mounted on a buoy.

(b) When a buoy is used to carry a symbol on its surface, it will be white, with bands of

international orange on the top, and at the bottom above the water line.

(c) A buoy whose sole purpose is to carry a sign above it will be marked with three bands of international orange alternating with two bands of white, each band occupying approximately one-fifth of the total area of the buoy above the water line, except where the sign itself carries orange bands; however, nothing in these regulations shall be construed to prohibit the mounting of a sign on a buoy which has been placed for a purpose other than that of carrying a sign.

(d) When symbols are placed on signs, a suitable white background may be used outside the symbol.

#### Regulation 5.

##### *Specifications for Waterway Markers*

(a) The size of a display area shall be as required by circumstances, except that no display area shall be smaller than one foot in height. The size shall increase in increments of six inches; provided, however, that this specification for increase in increments shall not apply to markers in existence prior to the adoption of this regulation.

(b) The thickness of the symbol outline shall be one-tenth of the height of the display area.

(c) The outside width of the diamond, the inner diameter of the circle, and the average of the inside and outside widths of a square shall be two-thirds of the display area height.

(d) The sides of the diamond shall slope at a thirty-five degree angle from the vertical on a plane surface. Appropriate adjustments for curvature may be made when applied to a cylindrical surface.

(e) *Materials.* Waterway markers shall be made of materials which will retain, despite weather and other exposures, the characteristics essential to their basic significance, such as color, shape, legibility and position. Reflectorized materials may be used.

#### Regulation 6. [27.1 (106)]

##### *Waterway Marking Devices*

(a) All waters under the jurisdiction of the State Conservation Commission.

(1) Mooring buoys shall be white with a two-inch blue reflectorized band clearly visible above the water; the buoy shall extend a minimum of twelve inches above the surface of the water, and shall have at least one square foot of surface visible from any direction.

(2) Placement of mooring buoys shall be within two hundred fifty feet of shore, except under certain circumstances the Commission may require them to be placed at a lesser distance. Requirements for mooring buoys may be waived by the director under special circumstances.

(3) Permanent race course marker buoys shall be white with a ball of international orange, of at least twelve inches in diameter.

The buoy shall extend a minimum of two feet above the surface of the water and shall be at least sixteen inches in diameter, and shall be lighted during periods of low visibility, and during the hours of darkness.

(4) Markers such as mooring buoys and race course markers will be processed in the same manner as waterway markers, and authorization for their placement will be obtained from the agency or political subdivision of the state exercising jurisdiction with respect to regulation of boating, and such agency or political subdivision will assure that proper clearances for their placement are obtained from state and federal agencies exercising regulatory authority over the area concerned.

(5) Such markers shall not be of a color, shape, configuration or marking which could result in their confusion with any federal or state aid to navigation or any state regulatory marker, and shall not be placed where they will obstruct navigation, cause confusion, or constitute a hazard.

[Amendment filed January 11, 1966]

*Speed restrictions on Lake Manawa*

[Filed January 11, 1966]

**28.1 (106)** No motorboat shall be operated at a speed greater than five miles per hour within the zoned area, designated by regulatory buoys, on Lake Manawa in Pottawattamie County, Iowa.

(a) Zoned Area 1 — South and east of a line from the end of the area known as "Tin Can Dike" to the southern tip of the Les Peterson property on the east shore.

(b) Zoned Area 2 — South and west of a line from the south end of the 11th Street dike to the north end "point" of the area known as "Boy Scout Island".

(c) Zoned Area 3 — North and east of a line from a point three hundred yards north of the entrance to the lagoon known as the "Novak Lagoon" to the existing bench mark in the west parking area of north park.

(d) Zoned Area 4 — North and west of a line from the north end of the public boat ramps in north park to the building known as the "Neal Durick boat house" on the north east shore.

**Regulation 7.**

*The Divers Flag*

(a) A red flag with a white diagonal running from the upper left hand corner to the lower right hand corner (from mast head to lower outside corner) and known as the "Divers Flag" shall, when displayed on the water, indicate the presence of a diver in the water in the immediate area.

(b) Recognition of this flag by regulation will not be construed as conferring any rights or privileges on its users, and its presence in a water area will not be construed in itself as restricting the use of the water area so marked.

(c) Operators of vessels will, however, exercise precaution commensurate with conditions indicated.

(d) This flag shall be displayed only when diver activities are in progress, and its display in a water area when no diver activities are in progress in that area will constitute a violation of this regulation and of chapter 87, Acts of the 59th General Assembly. [chapter 106, of the Code of Iowa]

ADMINISTRATIVE ORDER No. 318

[Filed and indexed July 23, 1962]

The state conservation commission hereby establishes the following local zoning regulations as provided in chapter 87, Acts of the 59th General Assembly of Iowa. [chapter 106, Code 1962].

Special rules and regulations concerning the operation of vessels in Mitchell County on the following impounded waters:

(a) Cedar River from Mitchell Dam, thence upriver to the County "S" Bridge.

(b) Cedar River from the St. Ansgar Mill Dam, thence upriver to the Newberg Bridge crossing Highway 105.

(c) Cedar River from the Otranto Dam upriver to the Great Western Railway Bridge crossing the Cedar River.

(d) The Stacyville Pool, on the Little Cedar River at Stacyville, Iowa.

**Regulation No. 1.**

Water recreation activities as restricted within posted areas which are marked with approved buoys shall be obeyed.

**Regulation No. 2.**

No floating docks, buoys, or man-made obstructions shall be placed in water without approval of the Mitchell county sheriff.

**Regulation No. 3.**

Buoys approved by the Mitchell county sheriff's office shall be those of a system adopted by the state conservation commission on a state-wide uniform basis.

**Regulation No. 4.**

Swimming in areas other than posted areas approved by the Mitchell county sheriff must be within twenty-five feet of shore.

**Regulation No. 5.**

All boats underway must maintain a speed less than five miles per hour if within fifty feet of a moored fishing craft in use.

**Regulation No. 6.**

Boating operation at speeds in excess of ten miles per hour shall not take place prior to 9:00 A.M. and after 6:00 P.M. each day.

**Regulation No. 7.**

The towing of more than one skier by a single boat shall be at the option of the water safety patrol and the determination of the patrol shall be based upon water congestion and safety of operations.

**Regulation No. 8.**

All boating accidents shall be reported to the River Patrol Office in addition to reporting the accident to the state conservation commission.

**Regulation No. 9.**

All water skiers required to wear life jackets, life belts, or preservers.

**Regulation No. 10.**

Any finding or establishment of areas by the Mitchell county sheriff under Regulation No. 1, 2, or 3, shall be created by petition of interested persons or adjoining land owners filed with Mitchell county sheriff, who shall establish or disallow same within ten days, by written notice of such petitioners. Any party aggrieved by such findings may appeal such determination to the Mitchell county board of supervisors by written notice within ten days of such findings and a hearing shall be held thereon before such board within thirty days thereafter. The decision of such board shall be final and binding.

**Regulation No. 11.**

Item 11, A-1 of Administrative Order No. 307, Speed and Distance Regulations, for all state-wide waters shall not be applicable to this area. Therefore, Item 1, under Regulation No. 11, established under Administrative Order No. 307, is hereby waived in this particularly zoned area which reads as follows: "No motorboat shall be operated at speeds greater than five miles per hour when within two hundred fifty feet of another craft traveling at five miles per hour or less."

**ADMINISTRATIVE ORDER No. 325**

[Filed and indexed August 16, 1962]

The state conservation commission at its meeting on August 1, 1962, established the following regulations as provided in chapter 87, Acts of the 59th General Assembly of Iowa. [chapter 106, Code of 1962].

Each commercial boat operator will be required to number the boat or boats he wishes to operate for hire with block characters of good proportion not less than three inches in height, in the following manner.

Upon making application for a number for commercially operated vessels the following type number will be assigned:

Example IA-1555-E

To identify this vessel as a commercial vessel it will be required that the commercial operator affix an X as the final letter of the suffix:

Example IA-1555-EX

When a commercial operator transfers a vessel to another individual, unless it be to another commercial operator, it will be his responsibility to remove the second letter from the suffix. (The letter X).

*Transferred to*

<i>Commercial</i>	<i>Private Individual</i>
IA-1555-XX	IA-1555-X
IA-1555-EX	IA-1555-E

*Transferred to*

<i>Private</i>	<i>Commercial Operator</i>
IA-1555-A	IA-1555-AX
IA-1555-D	IA-1555-DX

**DEPARTMENTAL RULE OF SEPT. 5, 1962**

[Filed and indexed September 11, 1962]

The state conservation commission, under authority granted by section 107.24 of the 1962

Code of Iowa, does hereby declare that dogs shall be prohibited on all state-owned game management areas, as established under authority of section 109.6 of the 1962 Code of Iowa, between the dates of March 15 and July 15 each year; except that, field and retriever meets may be conducted at designated sites after first securing a permit as provided in section 109.22 of the 1962 Code of Iowa.

Such permit shall show the exact designated site of said meet and all dogs shall be confined to that site.

**OFFICIAL NOTICE  
USE OF OUTBOARD MOTORS  
WILLOW SLOUGH, MILLS COUNTY, IOWA**

[Filed and indexed September 19, 1962]

Official notice is hereby given, under authority granted the state conservation commission by section 109.6, 1962 Code of Iowa, that the use of outboard motors on boats at the game management area located in Sections 28 and 29, Township 73 North, Range 40 West of the 5th P.M., Mills county, Iowa, commonly known as Willow Slough, is limited to motors of not more than six horsepower.

**OFFICIAL NOTICE  
STORM LAKE ISLAND, BUENA VISTA COUNTY  
ESTABLISHED AS A STATE GAME REFUGE**

[Filed and indexed September 19, 1962]

Notice is hereby given under authority granted by section 109.7, Code of Iowa 1962, that any land formation protruding from the lake bed of existing Storm Lake, Buena Vista county, Iowa, is hereby established as a state game refuge, and that no hunting will be permitted on such island or islands at any time.

It shall be unlawful to hunt, pursue, kill, trap or take any wild animal, bird, or game on the above described area, at any time of the year, and no one shall carry firearms thereon.

**OFFICIAL NOTICE  
USE OF OUTBOARD MOTORS  
LITTLE WALL LAKE, HAMILTON COUNTY, IOWA**

[Filed and indexed September 19, 1962]

Official Notice is hereby given, under authority granted the state conservation commission by section 109.6, 1962 Code of Iowa, that the use of outboard motors on boats at the game management area located in Sections 9, 10, 15 and 16, Township 86 North, Range 24 West of the 5th P.M., Hamilton county, Iowa, commonly known as Little Wall Lake, is limited to motors of not more than six horsepower during the open season for taking waterfowl.

Effective on publication.

**OFFICIAL NOTICE  
USE OF OUTBOARD MOTORS  
BROWN'S SLOUGH, LUCAS COUNTY, IOWA**

[Filed and indexed September 19, 1962]

Official Notice is hereby given, under authority granted the state conservation commission by section 109.6, 1962 Code of Iowa, that the use of outboard motors on boats at the game management area located in Sections 24, 26, 27, 34 and 35, Township 71 North, Range 20 West of the 5th P.M., Lucas county, Iowa, commonly known as Brown's Slough, is limited to motors of not more than six horsepower.

OFFICIAL NOTICE  
USE OF OUTBOARD MOTORS  
COLYN AREA, LUCAS COUNTY, IOWA

[Filed and indexed September 19, 1962]

Official Notice is hereby given, under authority granted the state conservation commission by section 109.6, 1962 Code of Iowa, that the use of outboard motors on boats at the game management area located in Sections 19, 20, 29 and 30, Township 71 North, Range 20 West of the 5th P.M., Lucas county, Iowa, commonly known as the Colyn Area, is limited to motors of not more than six horsepower.

OFFICIAL NOTICE  
USE OF OUTBOARD MOTORS  
GOOSE LAKE, GREENE COUNTY, IOWA

[Filed and indexed September 19, 1962]

Official Notice is hereby given, under authority granted the state conservation commission by section 109.6, 1962 Code of Iowa, that the use of outboard motors on boats at the game management area located in Sections 1 and 12, Townships 84 North, Range 31 West, and Sections 6 and 7, Township 84 North, Range 30 West, of the 5th P.M., Greene county, Iowa, commonly known as Goose Lake, is limited to motors of not more than six horsepower.

DEPARTMENTAL RULE OF SEPT. 5, 1962

[Filed and indexed October 5, 1962]

Pursuant to authority vested in this commission by the provisions of sections 109.6 and 107.24, Code of Iowa 1962, the following rules and regulations are hereby adopted as they apply to migratory waterfowl hunting.

SPECIAL HUNTING REGULATIONS FOR ODESSA  
AREA DURING DUCK SEASON.

1. Not more than six persons at a time shall hunt at a controlled site.
2. On controlled sites, blinds must be placed within forty yards of the numbered stake and decoys must be placed within radius of thirty feet from the numbered stake.
3. All hunting parties shall vacate controlled sites within thirty minutes after filling bag limits.
4. Hunting shall cease each day at 3:00 P.M. (C.S.T.) (Subject to federal regulations).

DEPARTMENTAL RULE OF OCT. 3, 1962  
STATE PARK AND PRESERVE WILDLIFE REFUGES

[Filed and indexed October 25, 1962]

Pursuant to authority vested in this commission by the provisions of section 107.24 Code of Iowa 1962, the following rule is hereby adopted:

The following list of state parks and preserves under the jurisdiction of the Iowa state conservation commission are established as wildlife refuges under the provisions of section 109.5 Code of Iowa 1962, for the calendar year 1962 and thereafter unless otherwise altered or amended by process of law.

PARK OR PRESERVE	COUNTY
A. A. Call	Kossuth
Backbone	Delaware
Beeds Lake	Franklin
Bellevue	Jackson
Bixby	Clayton

Black Hawk Lake	Sac
Bob White	Wayne
Browns Lake	Woodbury
Brush Creek Canyon	Fayette
Clear Lake	Cerro Gordo
Cold Springs	Cass
Dolliver Memorial	Webster
Eagle Lake	Hancock
Echo Valley	Fayette
Fort Atkinson	Winneshiek
Fort Defiance	Emmet
Frank A. Gotch	Humboldt
Geode	Des Moines—Henry
George Wyth	Black Hawk
Green Valley	Union
Gull Point (Okoboji Areas)	Dickinson
Heery Woods	Butler
Inn Area (Okoboji Areas)	Dickinson
Kearny	Palo Alto
Lacey-Keosauqua	Van Buren
Lake Ahquabi	Warren
Lake Anita	Cass
Lake Darling	Washington
Lake Keomah	Mahaska
Lake MacBride	Johnson
Lake Manawa	Pottawattamie
Lake of Three Fires	Taylor
Lake Wapello	Davis
Ledges	Boone
Lewis and Clark	Monona
Lost Island	Palo Alto
McIntosh Woods	Cerro Gordo
McGregor Heights	Clayton
Maquoketa Caves	Jackson
Margo Frankel Woods	Polk
Mill Creek	O'Brien
Mini-Wakan	Dickinson
Nine Eagles	Decatur
Oak Grove	Sioux
Oakland Mills	Henry
Okamanpedan	Emmet
Orleans Beach	Dickinson
Palisades-Kepler	Linn
Pammel	Madison
Pikes Peak (McGregor Area)	Clayton
Pikes Point	Dickinson
Pilot Knob	Hancock
Pine Lake	Hardin
Pioneer	Mitchell
Point Ann	Clayton
Prairie Rose	Shelby
Preparation Canyon	Monona
Red Haw Hill	Lucas
Rice Lake	Worth—Winnebago
Rock Creek	Jasper
Rush Lake	Palo Alto
Sharon Bluffs	Appanoose
Silver Lake	Delaware
Spring Lake	Greene
Springbrook	Guthrie
Steamboat Rock	Hardin
Stone Park	Woodbury
Trappers Bay	Dickinson
Twin Lakes	Calhoun
Union Grove	Tama
Viking Lake	Montgomery
Walnut Woods	Polk
Wanata	Clay
Wapsipinicon	Jones
Waubonsie	Fremont

Wild Cat Den ..... Muscatine  
 Abbie Gardner Sharp ..... Dickinson  
 Arnold Park Pier ..... Dickinson  
 Barkley Memorial ..... Boone  
 Fish Farm Mounds ..... Allamakee  
 Galland School ..... Lee  
 Gitchie Manitou ..... Lyon  
 Indian Village ..... O'Brien  
 Lennon Mills ..... Guthrie  
 Pillsbury Point ..... Dickinson  
 Plum Grove ..... Johnson  
 Turkey River ..... Guthrie-Clayton  
 Woodman Hollow ..... Webster

DEPARTMENTAL RULE OF OCTOBER 3, 1962  
 WILDLIFE REFUGES

[Filed and indexed October 25, 1962]

Pursuant to authority vested in this commission by provisions of section 107.24, Code of Iowa 1962, the following rule is hereby adopted. The following lands and waters under the jurisdiction of the state conservation commission are established as wildlife refuges under the provisions of section 109.5 and/or 109.6, Code of Iowa 1962. For the calendar year 1962 and thereafter, unless otherwise altered or amended by process of law, this rule shall supercede all other rules or notices regarding refuges on the above-mentioned lands and waters.

It shall be unlawful to hunt, pursue, kill, trap or take any wild animal, bird or game on these areas at any time, and no one shall carry firearms thereon.

**WILDLIFE RESEARCH & EXHIBIT STATION—BOONE COUNTY.** All state-owned lands in Section 21, Township 83 N., Range 26 W., of the 5th P.M., Boone county, Iowa.

**STORM LAKE ISLAND—BUENA VISTA COUNTY.** Any land formations protruding from the lake bed of existing Storm Lake located in Sections 2, 3, 4, 5, 8, 9, 10, 11, 14, 15 and 16, Township 90 N., Range 37 W., of the 5th P.M., Buena Vista county, Iowa.

**SOUTH TWIN LAKE—CALHOUN COUNTY.** All state-owned lands lying in Sections 1, 2, 11 and 12, Township 88 N., Range 33 W., of the 5th P.M., Calhoun county, Iowa, and lying north of a line as posted running due west from the country club grounds on the east side of the lake.

**ROUND LAKE—CLAY COUNTY.** All state-owned lands lying in Sections 2 and 3, Township 96 N., Range 35 W., and Sections 34 and 35, Township 97 N., Range 35 W., of the 5th P.M., all in Clay county, Iowa.

**ALLEN GREEN REFUGE—DES MOINES COUNTY.** All state-owned lands lying in Sections 28, 29, 32 and 33, Township 72 N., Range 1 W., of the 5th P.M., Des Moines county, Iowa.

**INGHAM AREA—EMMET COUNTY.** All state-owned lands lying in the SW  $\frac{1}{4}$  of the SW  $\frac{1}{4}$  of Section 1, and the NW  $\frac{1}{4}$  of the NW  $\frac{1}{4}$  of Section 12, all in Township 98 N., Range 33 W., of the 5th P.M., Emmet county, Iowa.

**RIVERTON AREA—FREMONT COUNTY.** All state-owned lands in Sections 17 and 20, Township 68 N., Range 41 W., of the 5th P.M.,

Fremont county, Iowa, lying East of the North-South center line in said Sections 17 and 20.

**DUNBAR SLOUGH—GREENE COUNTY.** All state-owned lands lying in Sections 17 and 18, Township 83 N., Range 32 W., of the 5th P.M., Greene county, Iowa.

**MCCORD POND—GUTHRIE COUNTY.** All state-owned lands lying in the SW  $\frac{1}{4}$  of Section 8, Township 81 N., Range 32 W., of the 5th P.M., Guthrie county, Iowa.

**CALIFORNIA BEND—HARRISON COUNTY.** All land and water lying between the Iowa-Nebraska boundary and the high bank of the old channel on the east side of the Missouri River, within the limits of the refuge signs posted by the state conservation commission and lying in Sections 6, 7 and 18, Township 78 N., Range 45 W., of the 5th P.M., and Sections 1, 12 and 13, Township 78 N., Range 46 W., of the 5th P.M., all in Harrison county, Iowa.

**HAWKEYE WILDLIFE AREA—JOHNSON COUNTY.** All of Sections 20, 21 and 22 lying south of County Road "E" and south and west of the railroad right of way, all of Sections 28 and 29, and all of those parts of Sections 27, 32 and 33 licensed to the state conservation commission by the U. S. Army Corps of Engineers, except a strip approximately 500' in width along the west side of the area. All of the above being in Township 81 N., Range 7 W., of the 5th P.M., Johnson county, Iowa.

**MUSKRAT SLOUGH—JONES COUNTY.** That portion of the SE  $\frac{1}{4}$  of the NW  $\frac{1}{4}$  lying south of the railroad right of way, the East  $\frac{1}{2}$  of the SW  $\frac{1}{4}$ , the SW triangular  $\frac{1}{2}$  of the SW  $\frac{1}{4}$  of the NW  $\frac{1}{4}$  of the SE  $\frac{1}{4}$ , and the West  $\frac{1}{2}$  of the SW  $\frac{1}{4}$  of the SE  $\frac{1}{4}$ , all in Section 16, Township 83 N., Range 3 W., of the 5th P.M., Jones county, Iowa.

**COLYN AREA—LUCAS COUNTY.** All lands bounded by a line described as follows: Beginning at the center of Section 30; thence west along the south line of the NW  $\frac{1}{4}$  of said Section 30 to the SW corner of the SE  $\frac{1}{4}$  of the NW  $\frac{1}{4}$ ; thence south to the state property line; thence east and north along the state property line to the south end of the dike; thence along the base of the dike on the east and north sides of said dike to the west end of the dike; thence west to the north-south center line of said Section 30; thence south along said center line to the point of beginning. All of the above in Township 71 N., Range 20 W., of the 5th P.M., Lucas county, Iowa.

**FIVE ISLAND LAKE—PALO ALTO COUNTY.** All state-owned lands lying in Section 5, Township 96 N., Range 32 W., of the 5th P.M., and in Section 32, Township 97 N., Range 32 W., of the 5th P.M., except the south 50' of said Section 5, all of the above lands in Palo Alto county, Iowa.

**GIFFORD SANCTUARY—POTTAWATTAMIE COUNTY.** The NW  $\frac{1}{4}$  of the NE  $\frac{1}{4}$  of



Section 21, Township 74 N., Range 44 W., of the 5th P.M., Pottawattamie county, Iowa.

**SMITH AREA—POTTAWATTAMIE COUNTY.** All state-owned lands in Sections 9, 15 and 16, Township 75 N., Range 43 W., of the 5th P.M., Pottawattamie county, Iowa.

**LAKE VIEW AREA—SAC COUNTY.** All state-owned lands lying in the West  $\frac{1}{2}$  of Section 4, Township 86 N., Range 36 W., of the 5th P.M., and in the S.W.  $\frac{1}{4}$  of Section 33, Township 87 N., Range 36 W., of the 5th P.M., all in Sac county, Iowa.

**RICE LAKE AREA—WINNEBAGO COUNTY.** All state-owned lands in Sections 11, 12, 13, 14 and 24, Township 99 N., Range 23 W., of the 5th P.M., Winnebago county, Iowa, lying west and north of a line described as follows:

Beginning at a point in the SE  $\frac{1}{4}$  of said Section 12 or the north-south center line of said SE  $\frac{1}{4}$  Section intersects the south line of the railroad right of way; thence south 683'; thence west 1000'; thence south to the state property line on the south shore of the lake.

**LAKE CORNELIA—WRIGHT COUNTY.** All state-owned lands lying in sections 9 and 16, Township 92 N., Range 24 W., of the 5th P.M., Wright county, Iowa.

**DEPARTMENTAL RULE OF OCTOBER 3, 1962  
WILDLIFE REFUGES**

[Filed and indexed October 3, 1962]

Pursuant to authority vested in this commission by provisions of section 107.24, Code of Iowa 1962, the following rule is hereby adopted. The following lands and waters under the jurisdiction of the state conservation commission are established as wildlife refuges under the provisions of section 109.5 and 109.6, Code of Iowa 1962. For the calendar year 1962 and thereafter, unless otherwise altered or amended by process of law, this rule shall supercede all other rules or notices regarding refuges on the above-mentioned land and waters.

It shall be unlawful to hunt, pursue, kill, trap or take any wild animal, bird or game on these areas at any time, and no one shall carry firearms thereon. It shall also be unlawful to fish and/or trespass in any manner between the dates of September 15 and the closing date of the waterfowl season of each year.

**SWEET MARSH—BREMER COUNTY.** All state-owned lands in Sections 27 and 34, Township 93 N., Range 12 W., of the 5th P.M., Bremer county, Iowa, bounded by a line and posted as follows:

Commencing at a point approximately on the SE corner of said Section 27; thence north along the west side of the road approximately 510'; thence west to the state property line; thence west and north along state property line to junction with the right of way of Highway No. 93; thence in a southwesterly direction along the right of way of said Highway No. 93 approximately 1800'; thence southeasterly on a line outside of and approximately parallel to the existing dike around to a point

approximately 230' west of east line of said Section 34; thence northeasterly to the west edge of the road at a point approximately 1100' south of the southeast corner of said Section 27; thence north along the west side of the road to the point of beginning.

**BIG MARSH—BUTLER COUNTY.** All of the South  $\frac{1}{2}$  of Section 24, except the east 30 acres of the NE  $\frac{1}{4}$  of the SE  $\frac{1}{4}$  of said Section 24; the East  $\frac{1}{2}$  of Section 25, and that portion of the West  $\frac{1}{2}$  of Section 25 bounded as follows:

Commencing at the NW corner of said Section 25; thence east to the North  $\frac{1}{4}$  corner; thence south 4000'; thence northwesterly to the point of beginning. All above lands located in Township 91 N., Range 17 W., of the 5th P.M., Butler county, Iowa.

**FORNEY'S LAKE—FREMONT COUNTY.** All state-owned lands lying in Sections 15, 16, 21 and 22, Township 70 N., Range 43 W., of the 5th P.M., Fremont county, Iowa, lying west of the east line of the West  $\frac{1}{4}$  of said Sections 15 and 22 and north of the east-west county road in the SW  $\frac{1}{4}$  of said Section 21, except for a strip approximately one hundred fifty yards wide adjoining the outer boundary of the above described tract. Also a strip approximately one hundred fifty yards wide in Section 21, Township 70 N., Range 43 W., of the 5th P.M., Fremont county, Iowa, adjoining the north edge of the east-west county road in said Section 21, running from a point approximately 975' east of the west boundary of the state-owned land to a point approximately 900' east of the north-south center line of said Section 21. Also all state-owned land in the SW  $\frac{1}{4}$  of Section 21, and the NW  $\frac{1}{4}$  of Section 28, both in Township 70 N., Range 43 W., of the 5th P.M., Fremont county, Iowa, except the parking lot along the county road.

**PLUM CREEK BASIN—FREMONT COUNTY.** The West  $\frac{1}{2}$  of Section 5, and that part of the NE  $\frac{1}{4}$  of Section 6, lying south and east of the Plum Creek ditch, all in Township 69 N., Range 43 W., of the 5th P.M., Fremont county, Iowa.

**BAYS BRANCH—GUTHRIE COUNTY.** All state-owned lands lying in the South  $\frac{1}{2}$  of Section 22, and in the North  $\frac{1}{2}$  of Section 27 north of the east-west county road, all in Township 80 N., Range 30 W., of the 5th P.M., Guthrie county, Iowa.

**SNYDER BEND—WOODBURY COUNTY.** All lands lying in Sections 8, 16 and 17, Township 96 N., Range 47 W., of the 5th P.M., Woodbury county, Iowa, on the left bank of the present channel of the Missouri River and lying between the high bank and the abandoned channel of the Missouri River on the east of the Iowa-Nebraska boundary on the west.

**DEPARTMENTAL RULE OF OCTOBER 18, 1962  
OPEN WATER REFUGES**

[Filed and indexed October 25, 1962]

Pursuant to the authority vested in this commission by the provisions of section 107.24,

Code of Iowa 1962, the following rule is hereby adopted:

Under authority granted the state conservation commission by section 109.6, Code of Iowa 1962, for the calendar year 1962 and thereafter unless otherwise altered or amended by process of law.

Hunting on the following natural lakes is restricted to a zone extending fifty yards into the lake from the ordinary high-water mark or continuous emergent vegetation. Beyond this zone is a wildlife refuge.

<i>COUNTY</i>	<i>AREA</i>
Buena Vista .....	Storm Lake
Calhoun .....	North Twin Lake
Cerro Gordo .....	Clear Lake
Dickinson .....	East Okoboji, Minnewashta, Upper and Lower Gar Lakes
Dickinson .....	Spirit Lake
Dickinson .....	West Okoboji Lake
Dickinson .....	Silver Lake
Emmet .....	High Lake
Emmet .....	Ingham Lake
Emmet .....	Tuttle Lake
Palo Alto .....	Lost Island Lake
Palo Alto .....	Silver Lake
Palo Alto .....	Virgin Lake
Pottawattamie .....	Lake Manawa
Sac .....	Black Hawk Lake

**DEPARTMENTAL RULE OF OCTOBER 18, 1962  
USE OF OUTBOARD MOTORS  
FORNEY LAKE - FREMONT COUNTY**

[Filed and indexed October 25, 1962]

Pursuant to authority vested in this commission by the provisions of section 107.24, Code of Iowa 1962, the following Rule was hereby adopted.

The use of outboard motors at Forney Lake in Fremont county shall be restricted to motors of not larger than six horsepower during the period from September 15 until the close of the waterfowl season of each year under the provisions of section 109.6, Code of Iowa 1962.

**LEGAL RESIDENCE DEFINED**

[Filed and indexed December 13, 1962]

The state conservation commission does hereby order and establish that the requirements for legal residence as referred to in chapter 110 of the Code of Iowa 1962 insofar as it applies to the issuance of sport fishing, small game hunting, combined hunting and fishing, and trapping licenses are concerned shall be as follows: Any individual who has lived in the state continuously for a period of thirty days shall be considered a legal resident of the state for the purpose of purchasing a sport fishing, small game hunting, combined hunting and fishing, or trapping license.

**ADMINISTRATIVE ORDER No. 332**

[Filed and indexed 1963 April 8 PM 3:45]

The state conservation commission on its own motion does hereby order and declare under and pursuant to the power and authority of section 107.25, chapter 107, Code of Iowa 1962, that the registration emblem will be placed four inches toward the stern of the registration number on each side of the bow

of the vessel. On the port side the emblem will be four inches behind the registration number, and on the starboard side four inches in front of the registration number.

All newly registered or renewal registration of boats will receive emblems with registration certificate.

**ADMINISTRATIVE ORDER No. 333**

[Rescinded September 14, 1965]

[Filed and indexed 1963 April 9 PM 1:36]

The state conservation commission, under authority granted by section 107.24, of the 1962 Code of Iowa, does hereby declare that dogs shall be prohibited on all state-owned game management areas, as established under authority of section 109.6 of the 1962 Code of Iowa, between the dates of March 15 and July 15 each year; except that, training of dogs will be confined to designated training areas and field and retriever meets may be conducted at designated sites. A permit as provided in section 109.22 of the 1962 Code of Iowa must be secured for field and retriever meets.

Such permit shall show the exact designated site of said meet and all dogs shall be confined to that site.

This departmental rule was adopted by the state conservation commission at a regular meeting held on the third day of April 1963.

**DIVISION OF LANDS & WATERS**

[Filed January 14, 1964]

Special rules and regulations concerning the operation of vessels in Massey Slough of the Mississippi River at Massey Station, Dubuque county, Iowa, extending from a northerly to southerly direction from the upper end to the lower end of the slough, encompassing the water in Section 14, Township 88N, Range 3E, of the 5th P.M., tract number NFIA-26M.

**10.1 (106)** Water recreation activities as restricted within posted areas which are marked with approval buoys shall be obeyed.

**10.2** Buoys approved by the Dubuque county conservation board shall be those of a system adopted by the state conservation commission on a state-wide uniform basis.

**10.3** All boating accidents shall be reported to the river patrol office in addition to the state conservation commission as prescribed by the Code of Iowa.

**10.4** All boats underway must maintain a speed of less than five miles per hour in said waters.

**10.5** 11-A-1 of Administrative Order No. 307, SPEED AND DISTANCE REGULATIONS for state-wide waters shall not be applicable to this area. Therefore, Item 1, under Regulation No. 11, established under Administrative Order No. 307, is hereby waived in this particular zoned area which reads as follows: "No motorboat shall be operated at speeds greater than five miles per hour when within two hundred fifty feet of another craft traveling at five MPH or less."

[These rules shall become effective on February 1, 1964]

[Filed January 14, 1964]

### Speed and Distance Regulations

[Filed March 24, 1964; Amended Sept. 14, 1965]

#### 15.1 (106)

A. All waters under the jurisdiction of the state conservation commission.

1. No motorboat shall be operated at speeds greater than five miles per hour when within two hundred fifty feet of another craft traveling at five miles per hour or less.

2. Motorboats shall maintain a minimum passing or meeting distance of fifty feet when both boats are traveling at speeds greater than five miles per hour.

B. All lakes and federal impoundments under the jurisdiction of the state conservation commission, except Lake Odessa in Louisa county, Iowa.

1. No motorboat shall be operated at a speed exceeding five miles per hour unless vision is unobstructed at three hundred feet ahead.

2. No motorboat shall be operated within three hundred feet of the shore at a speed greater than ten miles per hour.

C. Lake Odessa in Louisa county, Iowa.

1. No motorboat shall be operated at a speed exceeding five miles per hour unless vision is unobstructed at three hundred feet ahead.

2. No motorboat shall be operated at a speed greater than ten miles per hour between April 1 and October 1 yearly, except that portion of Lake Odessa proper lying south of the south line of Section 17 and west and north from the east side of the Sand Run Public Access Area in Section 33, all in Township 74 North, Range 2 West of the 5th P.M.

#### DIVISION OF FISH AND GAME

#### Restriction on use of Firearms

##### WILDLIFE REFUGE

[Filed July 13, 1965]

18.1 (109) It shall be unlawful to possess or carry any firearms on the following described area:

*Flint Access*—All state-owned lands lying in the Government Lot 3 of Section 21; also the West 4 rods of that part of E½ of SE¼ of

Section 16 which lies south of the present location of the highway known as the "12th street road"; also all of that portion of Lot 63 of the Official Plat of the N¼ of Section 22, which lies north of the Interurban Railway Company right of way crossing said Lot; also all of that portion of Lot 15 of the Official Plat of Government Lot 2 of Section 21 which lies north and west of the Interurban Railway Company right of way crossing said Lot; also all of Lot 12 and the S7½ acres of Lot 13 of the said Official Plat of Government Lot 2, except any right of way of said Interurban Railway Company all located in T-79-N, R-24-W of the 5th P.M. in Polk county, Iowa.

#### Restriction on the Use of Firearms

[Filed July 13, 1965]

24.1 (109) The use of firearms in the Banner Mine Area, a Game Management Area in Warren county, Iowa, shall be restricted as follows:

1. Between the dates of March 1 to August 31 of each year the use of firearms on any portion of the Banner Mine Area, except the posted firing areas, is prohibited.

#### Restriction on the Use of Motor Vehicles in Designated Fish and Game Management Areas

[Filed September 14, 1965]

29.1 (109) The use of motor vehicles in all designated fish and game areas shall be restricted as follows.

A. Motor vehicles shall be restricted from all designated fish and game management areas except on constructed or designated roads and parking lots within these areas.

29.2 This regulation shall not apply to personnel of the state conservation commission and authorized persons engaged in research, management or enforcement.

#### LANDS AND WATER SECTION

#### State Parks & Preserves—Opening Time

31.1 Except by arrangement or permission granted by the director or his authorized representative the following rules shall apply, all persons shall vacate all state parks and preserves before 10:30 o'clock P.M., each day, except authorized campers in accordance with section 111.46, chapter 111, Code of Iowa 1962, and no person or persons shall enter into such Parks and Preserves until 4:00 o'clock A.M. the following day.

## DAIRY INDUSTRY COMMISSION

[Filed March 26, 1959]

Pursuant to authority vested in this commission by sections 179.3, 179.6 and 179.7, Code of Iowa, the following rules and regulations pertaining to Iowa dairy industry commission are hereby adopted:

1. The first buyer of milk or cream charged with the collection of the excise tax under chapter 179, Code of Iowa, shall keep a complete and accurate record of such purchases during the period of May 1 to June 30, in-

clusive each year. Such records include (1) date of purchase, (2) name of producer, and (3) pounds of milk or cream purchased from each producer. Such records shall be preserved for a period of two years.

2. The return required by section 179.7 shall be filed with the dairy industry commission on or before August 1 of each year, on forms furnished by the commission, or ones substantially similar thereto.

## EMPLOYMENT SECURITY COMMISSION

### Rule 1—Cash Value of Board and Room.

Section 96.19 (13) of the Act provides that "Wages means all remuneration payable for personal services, including commissions and bonuses and the cash value of all remuneration payable in any medium other than cash. The reasonable cash value of remuneration payable in any medium other than cash, shall be estimated and determined in accordance with rules prescribed by the commission."

#### The commission accordingly prescribes:

a. If board, lodging, or any other payment in kind, considered as payment for services performed by a worker, is in addition to or in lieu of (rather than a deduction from) money wages, the commission shall determine or approve the cash value of such payment in kind, and the employer shall use these cash values in computing contributions due under the law.

b. Where a cash value of board and lodging furnished a worker is agreed upon in any contract of hire, the amount so agreed upon shall, if more than the rates prescribed herein, be deemed the value of such board and lodging.

c. Unless and until in a given case a rate for board and lodging is determined by the commission, board and lodging furnished in addition to money wages shall be deemed to have not less than the following values:

Meals per week .....	\$5.00
Meals per day .....	1.00
Meals per meal:	
Breakfast .....	.25
Dinner .....	.35
Supper .....	.40
Lodging per week .....	3.00
Lodging per day .....	.50

**Rule 2—Establishing the Value of a Truck Driver's Personal Services in Cases Where He Furnishes His Own Truck.** The wages of a truck driver who furnishes his own truck to be used in his employer's business, and whose remuneration includes wages for personal services as well as the cost and operation and the rental value of his truck, shall, in the absence of an agreement be determined as follows:

The value of that part of the total remuneration received which is to be considered wages for personal services, shall in no event be less than the prevailing wage scale in the locality where the truck driver has his base of operations for similar services of a truck driver operating the same size and type of truck.

If there is no prevailing wage in the locality in which the truck driver has his base of operations, the wages of a truck driver shall be fifty-five percent of the total remuneration received from his employer when using a truck having a load capacity of two tons or less, fifty percent of the total remuneration received from his employer when using a truck having a load capacity of over two tons

and not more than three and one-half tons; and forty percent of the total remuneration received from his employer when using a truck having a load capacity of over three and one-half tons.

If the commission finds upon a showing made before it by interested parties, that the determination of the wages of such a truck driver on the basis of the percentages of the total remuneration received, as above provided, would be unreasonable or arbitrary, then the commission may set by special rule the value of the wages of the truck driver or truck drivers involved in the particular case.

#### RULES ON APPEAL PROCEDURE (RULES 3, 4 and 5)

Section 96.6(6) of the Iowa employment security law provides, among other things, that:

"The manner in which disputed claims shall be presented, the reports thereon required from the claimant and from employers, and the conduct of hearings and appeals shall be in accordance with rules prescribed by the commission for determining the rights of the parties, whether or not such rules conform to common law or statutory rules of evidence and other technical rules of procedure . . ."

The commission accordingly prescribes:

#### Rule 3—Appeals and Appeal Tribunals.

A. The presentation of appealed claims. (1) A party appealing from a decision of a deputy shall file with the Iowa employment security commission at the administrative office in Des Moines, or at any public employment service office, a notice of appeal in writing setting forth:

a. The name, address and social security number of the claimant;

b. A reference to the decision from which the appeal is taken;

c. The fact that an appeal from such decision is being made;

d. The grounds upon which such appeal is based.

(2) Upon the scheduling of a hearing on an appeal, notices of hearing shall be mailed to all parties interested in the decision of the deputy which is being appealed at least seven days before the date of hearing, specifying the place and time of hearing. A copy of the notice of appeal showing the ground for appeal shall also be sent to the interested party who is the respondent in the case. [Amended December 4, 1959]

B. Disqualifications of members of appeal tribunals. (1) No member of an appeal tribunal shall participate in the hearing of any appeal in which he has an interest. Challenges to the interest of any member of an appeal tribunal shall be heard and decided by the commission.

C. Hearing of appeal. (1) All hearings shall be conducted informally in such manner as to ascertain the substantial rights of the parties. All issues relevant to the appeal shall

be considered and passed upon. The claimant and any other party to an appeal before an appeal tribunal may present such evidence as may be pertinent. Where a party appears in person, the members or member of an appeal tribunal shall examine such party and his witnesses, if any, and may cross-examine the witnesses of any opposing parties. The appeal tribunal, with notice to the parties of the time and place thereof, may take such additional evidence as it deems necessary.

(2) The parties to an appeal, with the consent of the appeal tribunal, may stipulate the facts involved in writing. The appeal tribunal may decide the appeal on the basis of such stipulation, or, in its discretion, may set the appeal down for hearing and take such further evidence as it deems necessary to enable it to determine the appeal.

(3) The members or member of appeal tribunals, during the conduct of any hearing, may indicate to the reporter portions of evidence which they wish transcribed to aid them in preparing their findings of fact and decision.

**D. Adjournments of hearings.** (1) The chairmen of the appeal tribunals shall use their best judgment as to when adjournments of a hearing shall be granted in order to secure all the evidence that is necessary and to be fair to the parties.

(2) If either party fails to appear at the first hearing, the appeal tribunal may adjourn the hearing to a later date, or, if a decision is made, may reopen the same within ten days upon good cause being shown.

**E. The determination of appeals.** (1) Following the conclusion of hearing of an appeal the appeal tribunal shall, within seven days, announce its findings of fact, decision with respect to the appeal, and the reasons therefor, provided that the commission may, upon proper showing by the appeal tribunal, extend this time. The decision shall be in writing, signed by the members of the appeal tribunal, and filed with the commission.

(2) If a decision of an appeal tribunal is not unanimous, the decision of the majority shall control. The minority may file a dissent from such decision setting forth the reasons why it fails to agree with the majority.

(3) Copies of all decisions and the reasons therefor shall be mailed by the appeal tribunal to the claimant, to all other parties to the appeal, and to the deputy.

**Rule 4—Appeals to the Commission.** **A.** The presentation of an appeal to the commission. (1) A party appealing from a decision of an appeal tribunal shall file a notice of appeal with the Iowa employment security commission at the administrative office in Des Moines or at any public employment office.

(2) Upon the scheduling of a hearing on an appeal, notices of hearing shall be mailed at least seven days before the date of hearing, specifying the place and time of hearing, to the claimant and to all other parties interested

in the decision of the appeal tribunal which is being appealed.

**B. Hearing of appeals.** (1) Except as provided in rule 4 (D) for the hearing of appeals removed to the commission from an appeal tribunal, all appeals to the commission may be heard upon evidence in the record made before the appeal tribunal, or the commission, to enable it to determine an appeal, may direct the taking of additional evidence before it.

(2) In the hearing of an appeal on the record, the commission may limit the parties to oral argument, or the filing of written argument, or both. If, in the discretion of the commission, additional evidence is necessary to enable it to determine the appeal, the parties shall be notified by the Iowa employment security commission as provided in rule 4 (A) (2) of the time and place such evidence shall be taken. Any party to any proceeding in which testimony is taken may present such evidence as may be pertinent to the issue on which the commission directed the taking of evidence.

(3) The commission, in its discretion, may remand any claim or any issue involved in a claim to an appeal tribunal for the taking of such additional evidence as the commission may deem necessary. Such testimony shall be taken by the appeal tribunal in the manner prescribed for the conduct of hearings on appeals before appeal tribunals. Upon the completion of the taking of evidence by an appeal tribunal pursuant to a direction of the commission, the claim or the issue involved in such claim shall be returned to the commission for its decision thereon.

**C. The hearing of appeals by the commission on its own motion.** (1) Within ten days following a decision by an appeal tribunal, and in the absence of the filing, by any of the parties to the decision of the appeal tribunal, of a notice of appeal to the commission as provided for in rule 4 (A), the commission, on its own motion, may order the parties to appear before it for a hearing on the claim or any issue involved therein.

(2) Such hearing shall be held only after seven days notice mailed to the parties to the decision of the appeal tribunal, and shall be heard in the manner prescribed in rule 4 (B), for the hearing of appeals by the commission.

**D. The hearing of appeals by the commission on cases ordered removed to it from any appeal tribunal.** (1) The proceeding on any claim before an appeal tribunal ordered by the commission to be removed to it shall be presented, heard and decided by the commission in the manner prescribed in rule 3 (C), (D) and (E) for the hearing of claims before an appeal tribunal.

**E. The determination of appeals.** (1) Following the conclusion of a hearing on an appeal, the Iowa employment security commission shall announce its findings of facts and decision with respect to the appeal. The decision shall be in writing, signed by the members of the commission who reviewed the

appeal and shall be duly filed in the offices of the commission. It shall set forth the findings of fact of the commission with respect to the matters appealed and its decision. [Amended September 9, 1959]

(2) If a decision of the commission is not unanimous, the decision of the majority shall control. The minority may file a dissent from such decision setting forth the reasons why it fails to agree with the majority.

(3) Copies of all findings and decisions shall be mailed by the commission to the claimant and to the other parties to the appeal before the commission.

RULE 5 AS AMENDED AUGUST 15, 1953  
[Filed August 13, 1953]

**Rule 5—General Rules for Both Appeal Stages.** (As amended August 15, 1953; filed August 13, 1953.)

A. Payment of witnesses. (1) Witnesses subpoenaed for any hearing before any appeal tribunal or the commission shall be paid witness and mileage fees by the Iowa employment security commission in accordance with the following schedule: Witnesses shall receive for each day's attendance three dollars; and in all cases seven cents per mile for each mile actually traveled.

B. Orders for supplying information from the records of the commission. (1) Orders for supplying information from the records of the Iowa employment security commission to a claimant or his representative to the extent necessary for the proper presentation of a claim shall issue only upon application therefor.

C. Representation before appeal tribunals and the commission. (1) Any individual may appear for himself in any proceeding before any appeal tribunal and the commission. Any partnership may be represented by any of its members or a duly authorized representative. Any corporation or association may be represented by an officer or a duly authorized representative.

(2) Any party may appear by an attorney at law or his duly authorized agent.

D. Inspection of decisions of appeal tribunals and the commission. (1) Decisions of appeal tribunals and the commission shall be kept on file at the administrative office of the Iowa employment security commission at Des Moines, Iowa, and shall be open for inspection.

(Effective as amended August 15, 1953.)

**Rule 7—Rule Establishing the Manner in Which Benefits Shall Be Charged Against the Accounts of Several Employers for Whom an Individual Performed Services in Employment in the Same Calendar Quarter.** [Amended June 23, 1959]

Where an individual has been employed by two or more employers during the same period, benefits payable to such individual by reason of such employment shall be charged against the accounts of such employers, against whose accounts the maximum charges

hereunder have not previously been made, in accordance with the following:

When wage records filed with the commission by employers show that the individual has been employed by two or more employers during the same calendar quarter, but the wage records do not indicate that employment within the quarter has been consecutive, then the benefits paid to such eligible individual shall be apportioned and charged against the accounts of such employers in direct ratio to the wages earned by such individual in insured work for such calendar quarter. The method of apportionment for chargeback purposes shall be on the basis of the ratio which the wages earned by such individual in insured work for each such employer in such calendar quarter bears to the total wages earned by such individual in insured work from all such employers in such calendar quarter.

**Rule 8—Defining "Canning Season" and Providing for the Furnishing by Employers of Certain Dates in Regard Thereto.** A "canning season" as contemplated by Senate File 19 [chapter 80], 56th G.A. [section 96.3 (7) of the Code], shall be defined as the period during which fresh perishable fruits or vegetables are being processed, and in addition thereto, preparatory and cleanup periods of four days prior to, and four days subsequent to, said processing period.

Each employer engaged in the processing of perishable fresh fruits or vegetables shall, when requested by the Iowa employment security agency, furnish such agency with respect to any canning season the date on which such processing period began and the date on which such processing period ended.

Such employer shall, with respect to a claimant, furnish such agency the date, or dates, if more than one period, on which such claimant first began to work for such employer during the claimant's base period, and the date or dates on which such claimant last worked for such employer.

[Filed June 27, 1955]

**Rule 9—All Interstate and Intrastate Benefit Claimants Shall Make Such Personal Efforts to Find Work as Are Customarily Made by Persons in the Same Occupation Who Are Genuinely Interested in Obtaining Employment.**

The phrase, "efforts to find work," does not mean haphazard application for work with a fixed number of employers. It means that the claimant shall use the facilities and methods which are normally used in his occupation when seeking work.

Information concerning the facilities and methods that are available to an individual interstate claimant and such claimant's use of such facilities shall be transmitted to the liable state.

Appropriate specific action by any claimant, including action supplementing the efforts of the Employment Service to find work for him, will be required if any one of the following conditions exist:

a. The area in which he resides is not within the service radius of a full-time employment office, or

b. He is seeking suitable work in an occupation in which jobs are normally filled through channels other than the State Employment Service, such as jobs which are usually filled through trade unions or professional societies, or

c. The employment prospects in the claimant's occupation in the area where he is claiming are sufficiently favorable to justify an opinion by the local office that personal efforts by the claimant to find work have reasonable probability of success.

As the claimant's length of unemployment increases and he has been unable to find work in his customary occupation, he may be required to seek work in some other occupation in which job openings exist or, if that does not seem likely to result in his employment, he may be required to accept counseling for possible retraining or a change in occupation.

**Regulation 6—Records to Be Kept by the Employer.** Section 96.11(7) provides that: "Each employing unit shall keep true and accurate work records, containing such information as the commission may prescribe."

In compliance with the above provision the commission prescribes that the following information shall be kept:

A. 1. Each employing unit having employment performed for it shall maintain records to show the information hereinafter indicated. Such records shall be kept in such form and manner that it will be possible from an inspection thereof to obtain the facts necessary to determine the eligibility of each employee as to his rights to benefits.

2. Such records shall be open to inspection and be subject to be copied by the commission and its authorized representatives at any reasonable time. Such records shall be kept for a period of five years after the calendar year in which the remuneration to which they relate was paid, or if not paid was due.

B. Such records shall show with respect to each employee unless the commission has ruled that his services do not constitute employment:

1. Name of worker.
2. Social security account number.
3. Date on which employee was hired, rehired or returned to work after a temporary layoff, and the date separated from work and the reason therefor.
4. Scheduled hours except for workers without a fixed schedule of hours, such as those working outside of the employer's establishment in such a manner that the employer has no definite knowledge of their working hours.
5. Total wages paid for employment in each pay period and the date of payment. For all pay periods ending in each quarter show separately:

a. (1) Money wages.

(2) The cash value of other remuneration.

b. Any special payment for services such as wages in lieu of notice, bonuses, gifts, prizes, show separately:

(1) Money payments.

(2) Other remuneration and the nature of such payments.

c. Amounts paid to employees as allowance or reimbursement for traveling and other business expenses, and the amounts of such expenditures actually incurred and accounted for by him.

6. The state or states in which his services are performed; and if any of such services are performed outside of this state and are not incidental to the service within the state, his base of operations (or if there is no base of operations then the place from which such services are directed or controlled) and his residence (by state), and the name of the county in Iowa in which services were performed.

7. When the pay period covers services performed both in employment and in excluded work, show the hours and wages for employment under this Act and also hours and wages for excluded work.

8. For determining the worker's eligibility for partial benefits:

a. Wages earned by weeks as provided for in regulation 201-C (2).

b. Whether any week was in fact a week of less than full-time work.

c. Time lost, if any, by each worker due to his unavailability for work showing days and weeks in which such loss of time occurred.

C. Such records should show the total number of employees who performed service during each day.

**Regulation 7—Reports.** Section 96.11(7) provides that: ". . . The commission may require from any employing unit any sworn or unsworn reports, with respect to persons employed by it, which the commission deems necessary for the effective administration of this chapter . . ."

The commission accordingly prescribes:

A. Each employing unit shall make such reports at such times as the commission may require, and shall comply with the instructions printed upon any report form issued by the commission pertaining to the preparation and return of such report.

B. Any individual or employing unit, not already an employer, who fulfills the conditions with respect to becoming an employer, shall immediately give notice to the commission of that fact. He shall set forth in such notice his name and address and the name and address of the business.

C. Any employer who terminates his business for any reason whatsoever, or transfers or sells all or a substantial part of the assets of his organization, trade or business to another, or changes the trade name of such business or address thereof, shall, within 10 days



after such termination, transfer, or change of name or address, give notice in writing to the commission of that fact. He shall set forth in such notice the former name and address of the business, the new name and address, the name of any new owner, and his own name and present address.

**Regulation 8—Definition of Wages for Employment During a Calendar Quarter.** Unless the context otherwise requires, terms used in rules, regulations, interpretations, forms, and other official pronouncements issued by the commission shall have the following meanings:

A. Wages paid include both wages actually received by the worker and wages constructively paid. Wages are constructively paid when they are credited to the account of or set apart for a worker without any substantial restriction as to the time or manner of payment or conditions upon which payment is to be made and must be made available to him so that they may be drawn upon by him at any time, and their payment brought within his own control and disposition, although not then actually reduced to possession.

B. Wages payable means wages earned, including wages earned and paid as well as wages earned and unpaid. [See section 96.19 (10, "a" and "b")]

**Regulation 12-A—Identification of Workers Covered by the Iowa Employment Security Law.** 1. Each employer shall ascertain the federal social security account number of each worker employed by him in employment subject to the Iowa employment security law.

2. The employer shall report the worker's federal social security account number in making any report required by the Iowa employment security commission with respect to the worker.

3. If any employer has in his employ a worker engaged in employment who does not have an account number, such employer shall request the worker to show him a receipt issued by an office of the social security board acknowledging that the worker has filed an application for an account number. The receipt shall be retained by the worker. In making any report required by the Iowa employment security commission with respect to such a worker, the employer shall report the date of issue of the receipt, its termination date, the address of the issuing office, and the name and address of the worker exactly as shown in the receipt.

4. If a worker fails to report to the employer his correct federal social security account number or fails to show the employer a receipt issued by an office of the social security board acknowledging that he has filed an application for an account number, the employer shall inform the worker that regulation 106 of the bureau of internal revenue, United States treasury department, under the federal insurance contribution Act provides that:

a. Each worker shall report to every employer for whom he is engaged in employment,

his federal social security account number and his name exactly as shown on the account number card issued to him by the social security board.

b. Each worker who has not secured an account number shall file an application for a federal social security account number on form SS-5 of the treasury department, bureau of internal revenue. The application shall be filed on or before the seventh day after the date on which the worker first performs employment for wages, except that the application shall be filed on or before the date the worker leaves the employ of his employer if such date precedes such seventh day. Copies of form SS-5, "Application for a Social Security Account Number" can be secured at the field office of the social security board nearest the worker's place of employment or the local post office.

c. If, within fourteen days after the date on which the worker first performs employment for wages for the employer, or on the day on which he leaves the employ of the employer, whichever is the earlier, the worker does not have a federal social security account number, and has not shown the employer a receipt issued to the worker by an office of the social security board acknowledging that he has filed an application for an account number, the worker shall furnish the employer an application on form SS-5, completely filled in and signed by the worker. If a copy of form SS-5 is not available, the worker shall furnish the employer a written statement, signed by the worker, of the date of the statement, the worker's full name, present address, date and place of birth, father's full name, mother's full name before marriage, worker's sex and color, and a statement as to whether the worker had previously filed an application on form SS-5 and, if so, the date and place of such filing. Furnishing the employer with an executed form SS-5, or statement in lieu thereof, does not relieve the worker of his obligation to make an application on form SS-5 as required in paragraph "b."

5. The employer shall inform the worker, in instances in which the information is pertinent, that in accordance with the regulation 106 of the bureau of internal revenue, United States treasury department:

a. Any worker who has lost his federal social security account number card may secure a duplicate card by applying at the field office of the social security board nearest the worker's place of employment.

b. Any worker may have his account number changed at any time by applying to a field office of the social security board and showing good reason for a change. Any worker whose name is changed by marriage or otherwise, or who has stated incorrect information on form SS-5, should report such change or correction to a field office of the social security board. Copies of the form OAN-7003 "Employee's Request for Change in Records," for making such reports may be obtained from



any field office of the social security board or the central office of the Iowa employment security agency or a local employment office.

c. Any worker who has more than one social security account number shall report all numbers to the field office of the social security board nearest the worker's place of employment or to a local employment office.

6. If the worker fails to comply with the requirements enumerated under 4 above, the employer shall execute a form SS-5, "Application for a Social Security Account Number," or statement, signed by the employer setting forth as fully and as clearly as practicable the worker's full name, his present or last known address, date and place of birth, father's full name, mother's full name before marriage, the worker's sex and color, and a statement as to whether an application for an account number has previously been filed by the worker, and if so, the date and place of such filing. This statement or the executed form SS-5, signed by the employer, shall be attached to any report required by the Iowa employment security commission with respect to such a worker.

**Regulation 20—Contributions by Employers.** Section 96.7(1, a) of the Iowa employment security law provides that: ". . . contributions shall become due and be paid to the commission for the fund at such time and in such manner as the commission may prescribe . . ."

The commission accordingly prescribes:

A. Contributions shall become due and be payable quarterly on the last day of the month next following the calendar quarter for which the contributions have accrued. Contributions with respect to the calendar year 1936 became due and payable on April 30, 1937. Provided that if the commission finds that the collection of any contributions from a particular employer will be jeopardized by delay they may declare such contributions due and payable as of the date of the finding.

B. Upon written request filed with the commission before the due date of any contribution, the commission may, for good cause shown, grant an extension in writing of the time for payment of such contribution and the due date, but (1) no extension shall exceed thirty days, and (2) no extension shall postpone payment beyond the last day for filing tax returns under the federal unemployment tax Act. If an employer who has been granted an extension fails to pay his contribution on or before the termination of the period of such extension, interest shall be payable from the original due date as if no extension had been granted.

C. The first contribution payment of any employing unit which elects, with the written approval of such election by the commission, to become an employer, or to have nonsubject services performed for it deemed employment, shall become due and payable on the last day of the month next following the close of the calendar quarter in which the conditions of

becoming an employer by election are satisfied, and shall include contributions with respect to all wages paid for employment occurring on and after the date stated in such approval (as of which such employing unit becomes an employer), up to and including the calendar quarter in which the conditions of becoming an employer by election are satisfied.

D. The first contribution payment of an employer who becomes newly liable for contributions in any year because of employment performed for him within such year or because of employment on his work in his usual trade, occupation, profession or business performed for a contractor or subcontractor shall become due and payable on the last day of the month next following that quarter wherein occurred the twentieth calendar week, during the calendar year within which a total of four or more workers were employed on any one day. The first payment of such an employer becoming liable in the course of a calendar year shall include contributions with respect to all wages paid for employment from the first day of the calendar year.

[Amendment filed October 8, 1957]

E. The first contribution payment of an employer who becomes newly liable for contributions in any year in any other manner shall become due and be payable on the last day of the month next following the quarter wherein such individual or employing unit became an employer. The first payment of such an employer shall include contributions with respect to all wages paid for employment for such individual or employing unit since the first day of the calendar year.

**Regulation 29—Accrual of Interest.** Section 96.14(1) provides, among other things, that: ". . . provided that the commission may prescribe fair and reasonable regulations pursuant to which such interest shall not accrue with respect to contributions required . . ."

The commission accordingly prescribes:

A. In those cases in which the commission finds that a genuine controversy exists or has existed regarding an employing unit's liability for contributions on all or a part of its employees and the case has been resolved against such employing unit, then no interest will accrue from the date of such controversy between the commission and the employing unit until thirty days after the decision of the commission requiring the payment of contributions.

B. Interest shall not accrue with respect to contributions required from an employer based upon wages for employment in those cases in which the employer's liability is based solely upon the provisions of section 96.19 (6, "g") of the Iowa employment security law until thirty days after determination of his liability under the federal Unemployment Tax Act.

C. Interest shall not accrue in those cases where the commission finds that, as a matter of equity and good conscience, the employer should not be required to pay interest.

**Regulation 33—Definition of Wages with Respect to Retirement, Sickness, Death, Etc. Funds.** [Rescinded October 21, 1960]

**Regulation 34—Employers' Payments to Persons Performing Military Services.** The term wages shall not include cash payments, or the cash value of other remuneration, made voluntarily and without contractual obligation to, or in behalf of, an individual for periods during which such individual is in active service or training as a member of the national guard, or the military or naval forces of the United States, including the organized reserves.

**Regulation 36—Defining "Week" as Used in Section 96.19(6, a).** Section 96.19(14) defines the word "week" and provides: "'Week' means such period, or periods, of seven consecutive calendar days ending at midnight, or as the commission may by regulations prescribe."

The commission accordingly prescribes that the word "week" as used in section 96.19 (6,"a") refers to a calendar week and not to a flexible week.

**Regulation 200—Separation Notices.** A. Separation notices required when the separation is such that no disqualification is involved.

(1) Each employer shall deliver to each worker when separated from his employment with such employer permanently or for an indefinite period, or for an expected duration of seven days or more, when such separation is under conditions which, in the opinion of the employer, would not disqualify the worker from receiving benefits, a copy of "Information For Workers," form IESC 200. This notice shall be delivered to the worker at the time of separation if possible, or if such delivery be impossible or impracticable it shall be mailed to such worker's last known address.

B. Separation notices required under conditions which may disqualify a worker from receiving benefits.

(1) Whenever a worker is separated from his employment permanently or for an indefinite period, or for an expected duration of seven days or more, for any reason defined in section 96.5 of the Iowa employment security Act which, in the opinion of the employer may disqualify him from receiving benefits, the employer shall within seven days after such separation notify the Iowa employment security commission of such separation on form IESC 203, notice of separation. The employer shall also deliver to such worker a copy of such notice at the time of separation if possible, or if delivery is impossible or impracticable he shall mail a copy of such notice to the last known address of such worker.

C. Notice of total unemployment due to a strike, lock-out or other labor dispute.

(1) In cases of total unemployment due to a strike, lock-out or other labor dispute, the employer shall, within three days after such total unemployment, file with the Iowa employment security commission, in lieu of any other notice, a notice on form IUC 215. The

notice shall set forth: (a) the existence of such dispute and the approximate number of workers affected; and (b) the names of the workers ordinarily attached to the department or the establishment where unemployment is caused by a strike, lock-out or other labor dispute.

D. Mass separation notice.

(1) The term mass separation means a separation permanently or for an indefinite period for an expected duration of seven or more days at or about the same time and for the same reason of 100 or more workers employed in a single establishment.

(2) In cases of mass separation, the employer shall file with the public employment office nearest the worker's place of employment, form IUC 214, setting forth such information as is required thereby. This form shall be filed not later than twenty-four hours after such separation.

**Regulation 201—Claims for Benefits for Total and Partial Unemployment.** [Amendment Filed December 29, 1958]

A. Claims and Registrations for Benefits for Total Unemployment.

1. Any individual claiming benefits or waiting period credits for total unemployment shall report in person at the public employment office most accessible to him and shall there register for work and file a claim for benefits, which claim shall be effective as of the first day of the calendar week in which he does so report and file his claim, except as otherwise provided in this regulation.

2. In order to establish eligibility for benefits or for waiting period credits for weeks of total unemployment, the claimant shall continue to file claims as directed, in person or by mail, at such intervals as may be prescribed by a representative of the Iowa employment security commission. [Amended December 4, 1959]

3. The Iowa employment security commission, for reasons found to constitute good cause for any individual's inability to report to the public employment office at which he filed his claim for benefits and registered for work, may permit such individual to report to any other employment office maintained as a part of a state-controlled system of public employment offices in this state.

4. The Iowa employment security commission, for reasons found to constitute good cause for any individual's failure to appear at the time specified for reporting to the public employment office, may accept a continued claim from such individual as having been made at the specified time, provided such continued claim is filed within seven days following the date specified for his reporting if weekly claims service is provided and within fourteen days if bi-weekly claims service is provided.

5. If an individual is located in an area served only by an itinerant service of the Iowa employment security commission, his

claim for total unemployment may be accepted as effective as of the first day of the calendar week in which he became totally unemployed, provided that he registered in person with such itinerant service at the first available opportunity following the commencement of his total unemployment.

6. Claims for benefits for total unemployment shall set forth (a) that the individual claims benefits; (b) that he registers for work; and (c) such other information as is required thereby. The claim for benefits for total unemployment shall constitute both the individual's registration for work and his claim for benefits, or waiting period credits.

7. Continued claims for benefits for total unemployment shall set forth (a) that the individual continues his claim for benefits; (b) that he is totally unemployed; (c) that he registers for work; (d) that since he last registered for work he has performed no service and earned no wages, except as indicated; and (e) such other information as is required thereby. The continued claim for benefits for total unemployment shall constitute both the individual's registration for work and his claim for benefits or waiting period credits.

8. For the week which immediately precedes an individual's re-employment under conditions which no longer render him eligible for benefits or waiting period credits (total or partial), such individual may file, in person or by mail, a report of his total unemployment and supplementary earnings received for such week in the form of a signed statement, providing that such individual at the beginning of the week for which the claim is made (a) registered for work, (b) filed a claim or continued claim for benefits or waiting period credits.

**B. Claims and Registrations for Individuals Located in Areas Served Only by Itinerant Service.**

1. In order to claim benefits or waiting period credits for total unemployment any individual located in an area served only by the itinerant service of the Iowa state employment service shall report in person to such itinerant service at the time and place designated by the commission at the first available opportunity therefor, and shall (a) register for work, (b) file a claim for benefits with such service pursuant to the provisions of regulation 201-A (1) and (6).

2. In order to establish eligibility for benefits or for waiting period credit for weeks of total unemployment during a continuous period of total unemployment, the claimant shall (a) continue to report on the date specified for reporting to such service, and (b) file continued claims for benefits pursuant to the provisions of regulation 201-A (2), (3), (4), and (7).

**C. Definitions.**

1. "Regular job" as referred to in section 96.19, subsection 10, paragraph "b", of the

Code, shall mean a job with an employer with whom the individual has a continuous attachment during a given claim period. Attachment will ordinarily have reference to the individual who has been employed and expects to continue in the employ of the employer for a considerable period—a month, six weeks or longer.

2. Week of partial unemployment. With respect to a partially unemployed individual whose wages are paid on a weekly basis, a week of partial unemployment shall consist of his pay period week; with respect to a partially unemployed individual whose wages are not paid on a weekly basis, but the amount the claimant has earned during any seven consecutive days period or periods within such pay period can be determined and such information furnished to the commission, a week of partial unemployment shall consist of a calendar week or such other seven consecutive days period within the pay period as may be found appropriate under the circumstances and prescribed by the commission.

**D. Registration and Filing of Claims for Partial Unemployment.**

1. A claim for benefits filed by an individual in person at any local employment office in this state or with an authorized itinerant agent of the commission on form IUC 211, shall constitute such individual's notice of unemployment, registration for work and claim for benefits or waiting period credit, with respect to each week of partial unemployment covered by the claim provided that such claim is filed not later than four weeks after the individual receives, through his employer or through the commission, appropriate notice of his potential eligibility for partial benefits as to any such week of partial unemployment.

2. Any individual claiming benefits or waiting period credits for week of partial unemployment not in a benefit year shall file his claim in person at any local employment office in this state or with an authorized itinerant agent of the commission on form IUC 211. On the filing of a valid claim for benefits, the benefit year of such individual will begin with the day with respect to which the claim is filed, provided that such claim is filed not later than four weeks after the individual receives, through his employer or through the commission, appropriate notice of his potential eligibility for partial benefits as to any such weeks of partial unemployment.

3. A continued claim for partial benefits filed by an individual in person or by mail pursuant to the provisions of this regulation shall constitute such individual's notice of unemployment, registration for work and claim for partial benefits or waiting period credit, with respect to each week of partial unemployment covered by the claim provided that such continued claim is filed not later than four weeks after the individual receives, through his employer or through the commission, appropriate notice of his potential eligibility for partial benefits as to any such week of partial unemployment. [Amended December 4, 1959]

4. Any partially unemployed individual who fails with good cause to file a claim for partial benefits or waiting period credit shall be permitted to file such claim with respect to any week of partial unemployment at any time up to thirteen weeks following the close of the actual or potential benefit year in which such claim period falls, provided such claim is filed within one week after the individual is appropriately notified of his potential eligibility for partial unemployment. Failure to file a claim for partial benefits or waiting period credit as provided in these regulations shall be deemed to be for good cause if due to failure on the part of the employer to comply with the requirements relating to participation in the initiation of a claim, verification or other requirements relating to partial unemployment, to coercion or intimidation exercised by the employer to prevent the prompt filing of a claim for partial benefits or waiting period credit, or to failure by the commission to discharge its responsibilities under the law and these regulations.

**E. Employer Responsibility in the Initiation of Claims for Partial Unemployment Benefits.**

1. Each employer, not later than seven days immediately following the close of any week in which he has reduced the customary prevailing hours of work of any employee to the extent that the weekly wages of such employee amount to less than fifty dollars, shall complete and deliver to such individual a notice that he may be potentially eligible for benefits. This notice shall be a claim for partial unemployment compensation benefits on form IUC 211.

(Amendment Filed June 23, 1959)

2. The employer may elect to use in lieu of form IUC 211 a payroll by-product, if the pay period of the employer coincides with the week or weeks of partial unemployment claimed, providing that the payroll by-product appropriately notifies the worker of his potential right to partial unemployment benefits, and contains:

- a. Information necessary to establish the identity of the employer and claimant,
- b. The pay period week covered,
- c. The total amount of earnings in each such pay period week,
- d. The following certification (individual or rubber stamped), "I certify that the above amount represents reduced earnings in a week of less than full-time work because of lack of work."
- e. Signature of employer (individual or facsimile),
- f. The date such payroll by-product was delivered to the worker.

3. Upon filing of a first claim for partial benefits for a benefit year the commission shall promptly notify each worker named therein of his potential rights to partial benefits and shall notify his employer of such worker's partial earnings limit and benefit year ending date. Upon receipt of such notice,

each employer shall record the partial earnings limit and the benefit year ending date on his payroll records.

**F. Employer's Verification of Partial Unemployment.**

1. After an employer has been notified of a partial earnings limit (a worker's weekly benefit amount, plus six dollars), and current benefit year ending date of any worker in his employ, such employer, until otherwise notified, shall, immediately after the end of any pay period within which there were weeks in which the worker earned less than his weekly benefit amount, plus six dollars, and in any case not later than thirty days after the end of the first week of partial unemployment, occurring within such pay period [as provided for in regulation 201E(1)] which began within such benefit year and for which such worker's earnings fall below such partial earnings limit because of lack of work in such week, furnish each such worker a joint low earnings report and claim for partial unemployment compensation benefits (individual) form IUC 211, setting forth the information required therein; or

(Amendment Filed June 23, 1959)

2. The employer may elect to use in lieu of form IUC 211 a payroll by-product in conformity with the provisions of regulation 201-E(2).

3. Upon request by the commission an employer shall complete and return to the commission form IUC 213, request for employer's individual earnings report with respect to any individuals named on such form for the purpose of verifying earnings reported by the individual to the commission.

**G. Mass Partial Unemployment.**

1. The term "Mass Partial Unemployment" means a reduction of hours to less than full-time work at the same time and for the same reason for twenty-five or more partially unemployed individuals customarily employed in a single establishment.

2. When mass partial unemployment occurs the employer, not later than seven days immediately following the close of any pay period during which mass partial unemployment occurred in any week and in any case not later than thirty days after the end of the first week of partial unemployment occurring within such pay period, shall complete and mail or deliver to the nearest public employment office of the Iowa employment security commission a joint low earnings report and claim for partial unemployment compensation benefits (Mass, Form IUC 212), covering each week of partial unemployment occurring in any such pay period. This requirement shall remain effective with respect to each pay period in any benefit year of any individual unless the employer is otherwise notified by the Iowa employment security commission.

3. Upon receipt of form IUC 212 covering initial mass partial unemployment, the Iowa employment security commission will immediately notify on form IUC 211 each indi-

vidual listed on form IUC 212 that he is potentially eligible for partial unemployment compensation benefits and that he may file a claim for such benefits as provided in regulation 201-D.

4. The employer or employing unit may elect to use in lieu of form IUC 212, form IUC 211 or payroll by-product as provided in regulation 201-E.

#### H. Employer Records.

1. Each employer shall keep his payroll records in such form that it would be possible from an inspection thereof to determine with respect to each worker in his employ who may be eligible for partial benefits:

a. Wages earned, by weeks, as provided for in regulation 201-C (2).

b. Whether any week was in fact a week of less than full-time work.

c. Time lost, if any, by each such worker due to his unavailability for work.

**Regulation 202**— [Rescinded December 29, 1958]

**Regulation 203—Payment of Benefits to Interstate Claimants.** [Amendment Filed December 29, 1958; Amended November 22, 1961]

1. The following regulation shall govern the Iowa employment security commission in its administrative co-operation with other states adopting a similar regulation for the payment of benefits to interstate claimants.

#### 2. Definitions.

As used in this regulation, unless the context clearly requires otherwise:

a. "Interstate Benefit Payment Plan" means the plan approved by the interstate conference of employment security agencies under which benefits shall be payable to unemployed individuals absent from the state (or states) in which benefit credits have been accumulated.

b. "Interstate claimant" means an individual who claims benefits under the unemployment insurance law of one or more liable states through the facilities of an agent state. The term "interstate claimant" shall not include any individual who customarily commutes from a residence in an agent state to work in a liable state unless the Iowa employment security commission finds that this exclusion would create undue hardship on such claimants in specified areas.

c. "State" includes the District of Columbia, Puerto Rico, and the Virgin Islands.

d. "Agent state" means any state in which an individual files a claim for benefits from another state.

e. "Liable state" means any state against which an individual files, through another state, a claim for benefits.

f. "Benefits" means the compensation payable to an individual, with respect to his unemployment, under the unemployment insurance law of any state.

g. "Week of unemployment" includes any

week of unemployment as defined in the law of the liable state from which benefits with respect to such week are claimed.

#### 3. Registration for Work.

a. Each interstate claimant shall be registered for work, through any public employment office in the agent state when and as required by the law, regulations, and procedures of the agent state. Such registration shall be accepted as meeting the registration requirements of the liable state.

b. Each agent state shall duly report, to the liable state in question, whether each interstate claimant meets the registration requirements of the agent state.

#### 4. Benefit Rights of Interstate Claimants.

a. If a claimant files a claim against any state, and it is determined by such state that the claimant has available benefit credits in such state, then claims shall be filed only against such state as long as benefit credits are available in that state. Thereafter, the claimant may file claims against any other state in which there are available benefit credits.

For the purposes of this regulation, benefit credits shall be deemed to be unavailable whenever benefits have been exhausted, terminated, or postponed for an indefinite period or for the entire period in which benefits would otherwise be payable, or whenever benefits are affected by the application of a seasonal restriction.

b. The benefit rights of interstate claimants established by this regulation shall apply only with respect to new claims filed on or after July 5, 1953.

#### 5. Claims for Benefits.

a. Claims for benefits or waiting period shall be filed in interstate claimants on uniform interstate claim forms and in accordance with uniform procedures developed pursuant to the interstate benefit payment plan. Claims shall be filed in accordance with the type of week in use in the agent state. Claims filed against the Iowa employment security commission shall be processed and paid on the basis of the type of benefit week used by the agent state.

b. Claims shall be filed in accordance with agent-state regulations for intrastate claims in local employment offices, or at an itinerant point, or by mail.

(i.) With respect to claims for weeks of unemployment in which individual was not working for his regular employer, the liable state shall, under circumstances which it considers good cause, accept a continued claim filed up to one week, or one reporting period, late. If a claimant files more than one reporting period late, an initial claim must be used to begin a claim series and no continued claim for a past period shall be accepted.

(ii.) With respect to weeks of unemployment during which an individual is attached to his regular employer, the liable state shall

accept any claim which is filed within the time limit applicable to such claims under the law of the agent state.

#### 6. Determinations of Claims.

*a.* The agent state shall, in connection with each claim filed by an interstate claimant, ascertain and report to the liable state in question such facts relating to the claimant's availability for work and eligibility for benefits as are readily determinable in and by the agent state.

*b.* The agent state's responsibility and authority in connection with the determination of interstate claims shall be limited to investigation and reporting of relevant facts. The agent state shall not refuse to take an interstate claim.

#### 7. Appellate Procedure.

*a.* The agent state shall afford all reasonable co-operation in the taking of evidence and the holding of hearings in connection with appealed interstate benefit claims.

*b.* With respect to the time limits imposed by the law of a liable state upon the filing of an appeal in connection with a disputed benefit claim, an appeal made by an interstate claimant shall be deemed to have been made and communicated to the liable state on the date when it is received by any qualified officer of the agent state.

**Regulation 204-A—Interstate Claims, Based on Combined Wage Credits.** A. The following regulation adopted under section 96.20(2) of the Iowa employment security law, shall govern the Iowa employment security commission in its administrative co-operation with other states subscribing to the interstate plan for combining wage credits, hereinafter called the plan.

B. Purpose of the Plan. The plan is adopted to establish a system whereby unemployed workers not eligible for benefits in any one state may, through combining of wages in more than one state, become eligible for benefits.

C. Definitions. The terms used in this regulation, unless the context clearly requires otherwise, have the meaning defined in regulation 203 (Payment of benefits to interstate claimants). In addition:

1. A participating state means a state which has subscribed to the plan.

2. Combined wage claimant means a claimant who has earnings in covered employment in more than one participating state but who, at the time he files his claim, is not eligible to receive benefits under the general provisions of the unemployment compensation law of the state in which he files such claim or of any other state which is operating under the interstate benefit payment plan.

3. Transferring state means a participating state which transfers to the "paying state" a record of wages, any part of which is used by the paying state to determine the benefit rights of a combined-wage credit claimant.

4. The paying state is the state in which the claim has been filed.

D. Claims for Benefits. A claim for benefits or waiting period shall be filed by a combined-credit claimant in the same manner as by a claimant whose entire benefit rights exist in the paying state.

E. Determination of Claims Requiring Combination of Wages. 1. Benefit rights of a combined-credit claimant, as to whom this state is the paying state, shall be calculated the same as for an intrastate claimant; but there shall be included in such calculation all those wages reported by any other (transferring) state which fall within the base period of this (paying) state.

2. Any wages reported by this state as a transferring state, if used as a basis for the determination of benefits in another (paying) state, shall be unavailable for determining or paying benefits directly under the Iowa employment security law, except to the extent that wages are usable for redetermination purposes.

3. The benefit year, base period, qualifying wages, benefit rate and duration of benefits under the Unemployment Compensation Law of the paying state shall be the benefit year, base period, qualifying wages, benefit rate and duration of benefits applicable to a combined-wage claimant. A combined-wage claimant's rights shall be determined by the paying state after combining all wages reported as currently available for the payment of benefits to the paying state by transferring states that such claimant earned during the base period of the paying state with his wages earned, if any, in the paying state during said base period. All other applicable provisions of the unemployment compensation law and rules and regulations of the state agency of the paying state shall be applicable to a combined-wage claimant.

4. The Iowa employment security commission will, with respect to any combined-credit claimant:

*a.* Promptly request each participating state in which the claimant has worked in the base period of the paying state to furnish a report on the claimant's wages for covered employment during the base period of the transferring state and on his current eligibility under the law of such state.

*b.* When acting as transferring state, report promptly, on form 1B-4A, on request of any participating state: (1) The claimant's wages for covered employment during the applicable base period of this state; (2) the amount of any such wages which are available for benefit payment purposes; (3) the current eligibility of the claimant based on the wages thus reported.

*c.* When acting as paying state, send to each transferring state a copy of its initial determination, together with a statement explaining the apportionment of benefits between the states.

d. When acting as paying state, send to the claimant a copy of its initial determination, noting his rights to appeal.

e. When acting as paying state, send to each transferring state a quarterly statement of the benefits chargeable to said state. Each such charge shall bear the same ratio, to the total benefits paid to the combined-credit claimant by the paying state, as his wages, reported by the transferring state and used in the paying state's determination, bear to the total wages used in said determination.

f. As soon as practicable after receipt of a quarterly statement under paragraph (e), reimburse the paying state accordingly.

F. Exception to Combining Credits. A claimant's wages shall not be combined, despite any other provision of this regulation, in case the paying state finds that he would be wholly ineligible for benefits based on his combined credits. In that event, his separate credits shall be returned, and reinstated, in each state involved. The provisions of the interstate benefit payment plan shall apply to such claimant.

G. A claimant's wages shall no longer be combined if the paying state finds that he has become eligible for benefits under its unemployment compensation law.

H. Termination of Combining Wages. Combining of wages terminates upon the termination of the benefit year in the paying state or at such time as redetermination of benefit rights becomes necessary under the law of the paying state.

I. Relation to Interstate Benefit Payment Procedures. Whenever this regulation applies it shall supersede any inconsistent provisions of regulation 203, on interstate benefit payment procedures; and shall control the disposition of the claim.

**Regulation 204-B—Interstate Claims, Based on the Extended Interstate Plan for Combining Wages.** A. The following regulation adopted under section 96.20(2) of the Iowa employment security law shall govern the Iowa employment security commission in its administrative co-operation with other states subscribing to the extended interstate plan for combining wages, hereinafter called the extended plan.

B. Purpose of the Extended Plan. The extended plan is adopted to establish a system whereby unemployed workers having sufficient base-period wages to qualify for less than maximum annual unemployment insurance benefits in one or more participating states, and insufficient base period wages to qualify for benefits in one or more other participating states, may increase the benefits to which they are entitled, by combining wages in one of the states in which they have sufficient base period wages with base period wages in all states in each of which they have insufficient wages.

C. Definitions. The terms used in this regulation, unless the context clearly requires otherwise, have the meaning defined in regula-

tion 203 (Payment of Benefits to Interstate Claimants).

In addition:

1. State Agency. The employment security agency of any of the states of the United States of America, of the District of Columbia, or of Puerto Rico. [Amended November 22, 1961]

2. Participating State. A state which has subscribed to the extended interstate plan for combining wages.

3. Extended-Combined-Wage Claim. A claim filed under the extended interstate plan for combining wages.

4. Extended-Combined-Wage Claimant. A claimant who has filed an extended-combined-wage claim.

5. Extended Interstate Plan for Combining Wages. An interstate agreement which establishes a system whereby unemployed workers having sufficient base-period wages to qualify for less than maximum annual benefits in one or more participating states, and insufficient base period wages to qualify for benefits in one or more other participating states, may increase the benefits to which they are entitled, by combining wages in one of the participating states in which they have sufficient base-period wages with base-period wages in all participating states in each of which they have insufficient wages.

6. Paying State. A participating state, chosen by the claimant, in which he has qualifying wages which entitle him to less than maximum annual benefits, and in which his benefit rights have not been terminated.

7. Transferring State. A participating state in which the claimant has insufficient wages to qualify for benefits, and which transfers to the paying state a record of the claimant's wages currently available in such state for the payment of benefits, any part of which is used by the paying state to determine the extended-combined-wage claimant's benefit rights under the extended plan.

D. Filing Extended-Combined-Wage Claim. Claims for benefits shall be filed by an extended-combined-wage claimant under the extended plan in the same manner as by any other claimant who is claiming benefits under the employment security law of the paying state. If claims are filed in some state other than the paying state, the interstate benefit payment procedures shall be followed.

E. Payment of Benefits. Benefits under the extended plan shall be paid initially to an extended-combined-wage claimant from the unemployment insurance fund, and, in accordance with the benefit formula of the paying state, to the same extent as if all transferred wages were wages under the law of the paying state.

F. Claimant's Election to Combine Wages. The extended plan is based on a claimant's voluntary election to combine wages. Such an election, once made, is final except in those cases in which the determination of the pay-



ing state indicates that the claimant cannot combine wages under the extended plan.

Under the extended plan, wage combining is open only to claimants who are qualified in the paying state for less than its maximum potential annual benefits. An extended-combined-wage claimant under the extended plan, who is independently eligible in each of two or more participating states, may combine base-period wages in only one participating state of monetary eligibility with base period wages in all other participating states having base periods which overlap in which the extended-combined-wage claimant has less than qualifying wages.

**G. Determination of Extended-Combined-Wage Claims.** 1. Under the extended plan the paying state, in determining an extended-combined-wage claimant's benefit rights, shall include all of the claimant's base period wages reported by the transferring state as currently available for the payment of benefits which are for periods which are common to the base periods of both states.

2. Wages which have been reported by a transferring state, and which have been used as the basis for a determination of benefits by the paying state, shall be unavailable for determining or paying benefits under the employment security law of the transferring state or of any other state.

3. The benefit year, base period, qualifying wages, benefit rate, and duration of benefits under the employment security law of the paying state shall be the benefit year, base period, qualifying wages, benefit rate, and duration of benefits applicable to a claimant under the extended plan.

4. All other applicable provisions of the employment security law and rules and regulations of the paying state shall be applicable to a claimant under the extended plan.

**H. Reports.** Each participating state, with respect to any extended-combined-wage claimant under the extended plan, shall use forms approved by the committee, and:

1. When acting as paying state, shall promptly request each participating state in which the extended-combined-wage claimant has worked in the base period of the paying state to furnish a report on the extended-combined-wage claimant's wages for covered employment during that portion of the base period of the transferring state that is common to the base period of the paying state, and on his current eligibility under the employment security law of such transferring state.

2. When acting as a transferring state, shall report promptly on request of any participating state the following:

a. The extended-combined-wage claimant's wages for covered employment during that portion of the base period of the transferring state that is common to the base period of the paying state;

b. The amount of any such wages which are available for benefit payment purposes;

c. The current eligibility of the extended-combined-wage claimant under the employment security law of the transferring state.

3. When acting as paying state, shall send to each transferring state a copy of the initial determination notice after combining wages, together with an explanatory statement.

4. When acting as a paying state, shall furnish the extended-combined-wage claimant with a copy of its initial determination.

5. When acting as paying state, shall send to each transferring state a quarterly statement of benefits chargeable to each such transferring state. Each such charge shall be for only the difference between the amount payable to the extended-combined-wage claimant under the employment security law of the paying state before wage combining and the amount actually paid to the extended-combined-wage claimant. If there are two or more transferring states, such charges shall be prorated among the transferring states in proportion to the wages that were transferred by each of such transferring states.

**I. Reimbursement of Paying State.** A transferring state, as soon as practicable after receipt of a quarterly statement, as set forth in Item H 5 above, shall reimburse the paying state accordingly.

**J. Exception to Combining Wages.** A claimant's wages shall not be combined, notwithstanding any other provision of this extended plan, if the paying state finds that the extended-combined-wage claimant's potential benefit rights would not be increased by combining. Wages reported by the transferring state(s), in such event, shall be returned to and reinstated by such transferring state(s).

**K.** Whenever this regulation applies, it shall supersede any inconsistent provisions of regulation 203 or regulation 204-A, on interstate benefit payment procedures, and shall control the disposition of the claim. [Filed December 29, 1955]

**Regulation 205 — Employer Elections to Cover Multistate Workers.** 1. The following regulation shall govern the Iowa employment security commission in its administrative cooperation with other states subscribing to the interstate reciprocal coverage arrangement, hereinafter referred to as "the arrangement."

2. Definitions. As used in this regulation, unless the context clearly indicates otherwise:

a. Jurisdiction means any state of the United States, the District of Columbia, Puerto Rico, or, with respect to the federal government, the coverage of any federal unemployment compensation law;

[Amended November 22, 1961]

b. Participating jurisdiction means a jurisdiction whose administrative agency has subscribed to the arrangement and whose adherence thereto has not terminated;

c. Agency means any officer, board, commission or other authority charged with the administration of the unemployment compensation law of a participating jurisdiction;



*d.* Interested jurisdiction means any participating jurisdiction to which an election submitted under this regulation is sent for its approval; and "interested agency" means the agency of such jurisdiction;

*e.* Services "customarily performed" by an individual in more than one jurisdiction means services performed in more than one jurisdiction during a reasonable period, if the nature of the services gives reasonable assurance that they will continue to be performed in more than one jurisdiction or if such services are required or expected to be performed in more than one jurisdiction under the election.

3. Submission and approval of coverage elections under the interstate reciprocal coverage arrangement.

*a.* Any employing unit may file an election, on form RC-1, to cover under the law of a single participating jurisdiction all of the services performed for him by any individual who customarily works for him in more than one participating jurisdiction.

Such an election may be filed, with respect to an individual, with any participating jurisdiction in which (1) any part of the individual's services are performed; (2) the individual has his residence; or (3) the employing unit maintains a place of business to which the individual's services bear a reasonable relation.

*b.* The agency of the elected jurisdiction (thus selected and determined) shall initially approve or disapprove the election.

If such agency approves the election, it shall forward a copy thereof to the agency of each other participating jurisdiction specified thereon, under whose unemployment compensation law the individual or individuals in question might, in the absence of such election, be covered. Each such interested agency shall approve or disapprove the election, as promptly as practicable; and shall notify the agency of the elected jurisdiction accordingly.

In case its law so requires, any such interested agency may, before taking such action, require from the electing employing unit satisfactory evidence that the affected employees have been notified of, and have acquiesced in, the election.

*c.* If the agency of the elected jurisdiction, or the agency of any interested jurisdiction, disapproves the election, the disapproving agency shall notify the elected jurisdiction and the electing employing unit of its action and of its reasons therefor.

*d.* Such an election shall take effect as to the elected jurisdiction only if approved by its agency and by one or more interested agencies.

An election thus approved shall take effect, as to any interested agency, only if it is approved by such agency.

*e.* In case any such election is approved only in part, or is disapproved by some of such agencies, the electing employing unit may withdraw its election within ten days after being notified of such action.

4. Effective Period of Elections.

*a.* Commencement. An election duly approved under this regulation shall become effective at the beginning of the calendar quarter in which the election was submitted, unless the election, as approved, specifies the beginning of a different calendar quarter.

If the electing unit requests an earlier effective date than the beginning of the calendar quarter in which the election is submitted, such earlier date may be approved solely as to those interested jurisdictions in which the employer had no liability to pay contributions for the earlier period in question.

*b.* Termination. (1) The application of an election to any individual under this regulation shall terminate, if the agency of the elected jurisdiction finds that the nature of the services customarily performed by the individual for the electing unit has changed, so that they are no longer customarily performed in more than one participating jurisdiction. Such termination shall be effective as of the close of the calendar quarter in which notice of such findings is mailed to all parties affected.

(2) Except as provided in subparagraph (1), each election approved hereunder shall remain in effect through the close of the calendar year in which it is submitted, and thereafter until the close of the calendar quarter in which the electing unit gives written notice of its termination to all affected agencies.

(3) Whenever an election under this regulation ceases to apply to any individual, under subparagraph (1) or (2), the electing unit shall notify the affected individual accordingly.

5. Reports and Notices by the Electing Unit.

*a.* The electing unit shall promptly notify each individual affected by its approved election, on the form RC-2 supplied by the elected jurisdiction, and shall furnish the elected agency a copy of such notice.

*b.* Whenever an individual covered by an election under this regulation is separated from his employment, the electing unit shall again notify him, forthwith, as to the jurisdiction under whose unemployment compensation law his services have been covered. If at the time of termination the individual is not located in the elected jurisdiction, the electing unit shall notify him as to the procedure for filing interstate benefit claims.

*c.* The electing unit shall immediately report to the elected jurisdiction any change which occurs in the conditions of employment pertinent to its election, such as cases where an individual's services for the employer cease to be customarily performed in more than one participating jurisdiction or where a change in the work assigned to an individual requires him to perform services in a new participating jurisdiction.

#### OLD-AGE AND SURVIVORSHIP INSURANCE SYSTEM

Regulation No. 1. Accrual of Interest. Section 6 provides that: "Sec. 6. Taxes unpaid on

the date on which they are due and payable as prescribed by the commission, shall bear interest at the rate of one-half of one per centum per month from and after such date until payment plus accrued interest is received by the commission, provided that the commission may prescribe fair and reasonable regulations pursuant to which such interest shall not accrue with respect to taxes required. Interest collected pursuant to this section shall be paid into the old-age and survivors' fund. . . ."

The commission accordingly prescribes:

Interest shall not accrue with respect to taxes unpaid by the employer on the date they are due and payable as prescribed by the commission in those cases in which a question has been raised with the commission as to whether any part or all of the services on which such taxes are based constitutes covered employment, until such time as the commission finally determines any part or all of such services to be in employment.

**Regulation No. 2. Overpayment and Underpayment of Tax.** Section 9 (b) provides that: "Sec. 9 (b). If more or less than the correct amount of tax imposed by this Act is paid with respect both to the tax and the amount to be deducted, adjustments shall be made without interest, in such manner and at such times as may be prescribed by regulations made under this Act."

The commission accordingly prescribes:

In the event the employer pays taxes for any quarter in excess of the amount of tax actually due and owing, the commission shall give notice of such overpayment to the employer and such overpayment shall apply as a credit against the tax for the following quarter.

In the event such employer does not pay the full amount of the tax, or in the event such employer fails to report all of its employment for any quarter, the commission shall require the payment of such additional taxes and interest and shall proceed to collect such additional taxes and interest in the manner prescribed by law. The employer shall file such additional and supplemental reports as the commission may require when directed to do so by the commission.

**Regulation No. 3. Collection and Payment of Tax.** Section 12(a) and (b) provides: "Sec. 12. (a) The taxes deducted from the wages of the employee by the employer shall be matched by the employer making the deduction and shall be forwarded to the commission for recording and deposited with the state treasurer to the credit of the old-age and survivors' fund.

"(b) Method of Collection and Payment—Such taxes as deducted by the employer shall be paid in such manner, at such times and under such conditions, either by copies of payrolls or other methods necessary or helpful in securing proper identification of the taxpayer, as may be prescribed by the commission."

The commission accordingly prescribes:

Each employer on or before the fifteenth

day of the month immediately following the end of each quarter shall file with the commission a report on a form to be prescribed by the commission showing the name, social security account number and amount of earnings of each of its employees during such quarter.

Each employer's taxes shall be due and payable at the time such reports are filed and shall be delinquent and bear interest from and after the fifteenth day of the month immediately following the end of the quarter.

**Regulation No. 4. Election of Coverage.**

Section 20 (c) (1) provides, among other things, that: ". . . Provided, that such excepted political subdivision may by election come under the provisions of this Act in accordance with the regulations prescribed by the commission."

Section 21 provides: "Any political subdivision or the instrumentalities thereof not covered by this Act may become subject hereto by application to the commission for such coverage on all or that part of its employees that are not covered by this Act and by complying with the regulation prescribed by the commission."

The commission accordingly prescribes:

Any political subdivision or the instrumentalities thereof not covered under the Iowa old-age and survivor insurance system by virtue of section 20 (c) (1) may elect to become so covered by filing with the commission its election on IOASI form No. 3, and upon approval of such election by the commission shall, as of the date stated in such approval, become subject to said Act to the same extent as all other "employers" as defined by said Act.

**Regulation No. 5. Court Reporters' Taxable Salaries.** Section 97.23 of the Code provides: "Rules and Regulations. The commission shall have full power and authority to make rules and regulations and to establish procedures, not inconsistent with the provisions of this chapter. . . ."

Section 97.45 defines wages as: ". . . all remuneration for employment, including the cash value of all remuneration paid in any medium other than cash; except that such terms shall not include—"that part of the remuneration which, after remuneration equal to three thousand dollars has been paid to an individual with respect to employment during any calendar year after 1945, is paid to such individual with respect to employment during such calendar year."

Court reporters are frequently employed by a judge who holds court in the several counties comprising a judicial district. Under the law pertaining to the compensation of court reporters, such situation results in an overpayment of the tax by both the employer and employee, as each county is required to pay the tax on the first three thousand dollars of salary paid by such county to such reporter. To avoid such resulting overpayment,

The commission accordingly prescribes:

Each court reporter employed in a district comprising several counties shall keep an ac-

curate record of the salary paid him by the various counties of his district. When he has been paid a total salary of three thousand dollars by the several counties in the district, he shall certify to the county auditor of each county of the district on a form approved by the commission to the effect that he has been paid the maximum three thousand dollars taxable salary for said year, and thereafter the various county auditors shall be authorized to discontinue the withholding and payment of any further or additional tax during such calendar year.

#### IOWA PUBLIC EMPLOYEES RETIREMENT SYSTEM

[Filed November 2, 1953]

**Rule No. 1.** Rule Establishing the Method of Payment of Refund of Accumulated Contributions of a Deceased Member.

Chapter 72, Acts of the 55th General Assembly, [ch 97B, Code 1954] provides that a "beneficiary" means a person or persons entitled to receive benefits at the death of a member payable under the system, designated in writing by the member and filed with the commission, or if no such designation is in effect at the time of death of the member or if no person so designated is living at that time, then the beneficiary shall be the estate of the member.

"(a) Payment to legal representative.—Where there is no designation of beneficiary in effect at the time of death of member, payment will be made to the legal representative of such estate.

"(b) Payment to relative of deceased.—Where it appears reasonably certain that a legal representative has not been and will not be appointed or where a legal representative has been discharged, a verified application listing the surviving spouse and all heirs at law may be filed by a relative of the deceased member by blood, marriage, or adoption, and payment made to such applicant on behalf of the estate if the requirement of paragraph "c" of this section is met.

"(c) Consent of relatives to payment.—Payment of benefits or refunds due at the death of a member may be made to the applicant provided for in paragraph "b" if verified statements are submitted to the commission by the spouse of the deceased member and the members of the group of relatives closest in kinship to the deceased stating that the application listing the spouse and all heirs at law falling under paragraph "b" is the correct list of the spouse and heirs at law and consenting to the payment of said death benefit or refund to the applicant for distribution as determined by the following groupings:

- (1) Children and children of deceased children;
- (2) Parents;

(3) Brothers and sisters and children of deceased brothers and sisters;

(4) All other relatives by blood or adoption, the closeness of relationship being determined according to the law of the domicile of the deceased insured individual." [Effective October 30, 1953]

**Rule No. 2.** Rule establishing the method of the recomputation of benefits based on re-employment after retirement.

Recomputation of benefits as provided under Iowa Public Employees' Retirement System section 97B.48, Code 1954, based on re-employment after retirement, will not be made more often than once in every twelve months period.

[Filed September 8, 1954]

FOAB

[Filed November 20, 1953]

**FOAB Rule No. 1.** A Rule Providing for the Accrual of Interest.

WHEREAS section 404.1255 (a), Regulation No. 4 of the secretary of health, education and welfare, provides that interest on delayed quarterly wage reports resulting from the failure of a political subdivision to forward its report and pay its tax to the commission in time to permit the commission to file a completed consolidated wage report and a completed contribution return is one-half of one percent for each calendar month or part of a calendar month after the due date of the contributions, and

WHEREAS section 18 of chapter 73, Acts of the 55th General Assembly provides:

"The state agency shall make and publish such rules and regulations, not inconsistent with the provisions of this Act, as it finds necessary or appropriate to the efficient administration of the functions with which it is charged under this Act, and the state agency shall comply with regulations relating to payments and reports as may be prescribed by the federal security administrator."

And, WHEREAS the commission must collect the interest from the political subdivisions that are delinquent in filing reports and in payment of the tax,

The commission accordingly prescribes:

Federal old-age and survivor insurance taxes unpaid by the date on which they are due and payable, which said due date is hereby established as the fifteenth of the month following the end of the quarter, shall bear interest at the rate of one-half of one percent for each calendar month or fraction of a calendar month after such date until payment plus accrued interest is received by the commission.

Any federal old-age and survivor insurance tax penalties resulting from failure of the political subdivision to pay its tax when due shall be recovered by the commission from such political subdivision. [Effective November 20, 1953]

## ENGINEERING EXAMINERS

**Rule No. 1. Professional Engineering Examinations:** (a) Before any applicant may be permitted to appear for examination, a digest of his training and experience must be submitted to the board for approval. No one will be admitted to the examination in the professional subject (branch) until he has had the full amount of training required by law. [Filed October 18, 1954; amended June 14, 1961]

(b) Those who have attended college shall arrange for a certified abstract of their college education record to be transmitted directly to the board secretary by the college registrar. [Filed March 14, 1962]

(c) In the examination in fundamentals, questions will be asked which will generally require knowledge of mathematics, including algebra, advanced algebra, logarithms, plane and solid geometry, trigonometry, and analytical geometry, differential and integral calculus and differential equations; applied science, including physics, mechanics, statics, dynamics, hydraulics, thermodynamics, electricity, electromagnetism and chemistry; materials of construction, including resistance of materials, steel, reinforced concrete, masonry construction and timber construction; elements of structural design, including stress analysis, beams, slabs, columns, girders, trusses, foundations, retaining walls, unit stresses and graphic statics; elements of mechanical design, including power, heating, ventilation, prime movers, mechanical transmission and water power; electrical design, including laws of electricity, electrical equipment, direct and alternating circuits, types and characteristics of motors and generators; engineering administration, including engineering economics, contracts, specifications, professional practice and professional ethics; and other subjects commonly taught in the regular approved engineering curriculum. [Filed June 15, 1956]

(d) Practical experience in professional engineering work to be considered of a grade and character satisfactory to the board shall be such as to require the application of engineering principles in the practical solution of engineering problems. This work shall predicate a knowledge of engineering mathematics, physical and applied sciences, properties of materials, and the fundamental principles of engineering design. It shall be of such nature as to develop and mature the applicant's engineering knowledge and judgment.

(e) An applicant who fails to make a final rating of seventy percent in an examination will be required to take (when he appears for re-examination) those portions of the examination that are, in the opinion of the board, necessary to establish his competence. A candidate who fails in two examinations will not be permitted to appear for another examination until he can show that he has had an additional two years of qualifying experience

acceptable to the board. [Filed January 19, 1954; amended March 30, 1959]

(f) All applicants shall be notified of two consecutive engineering board meetings after their application is filed with the secretary.

**Rule No. 2. Photograph:** A photograph of the applicant shall appear in space provided upon the application form.

It shall be an unretouched photograph taken within six months prior to the date of the application and the face shall be portrayed not less than three-fourths inch in width. [Amended June 14, 1961]

**Rule No. 3. Land Surveying:** Land surveying comprises all or any combination of the following practices:

(a) The making of such observations and measurements as will determine the relative position of points, areas, structures or natural objects on the earth's surface, or related thereto.

(b) The surveying of areas:

(1) For their correct determination and description and for conveyancing.

(2) For the establishment or re-establishment of land boundaries.

(3) For the platting of lands and subdivisions.

(4) For the setting of reference or other monuments to perpetuate such observations, measurements and surveys.

(c) The preparation of land descriptions used in conveyancing.

Observations or measurements, made exclusively for geological or landscaping purposes and not involving the determination of any property line, do not constitute land surveying within the meaning of this rule, but may be considered as surveying which is a part of civil engineering practice. [Amended June 14, 1961]

**Rule No. 4. Examination for Land Surveying:** (a) All applicants for examination in land surveying will have to meet the requirements of two days of written examination. This will consist of one day of fundamentals and one day of land surveying practice. Those who have passed the fundamentals portion of the examination for professional engineer will not be required to take the land surveying fundamentals. [Filed October 18, 1954; amended June 14, 1961]

(b) Candidates must know how the original surveys were conducted. They must know the rules governing the restoration of obliterated corners. They must be able to re-establish lost corners. They must have had enough actual experience in land surveying work to make them familiar with the proper methods of retracing the original surveys. This experience cannot be gained in school or from reading books. It must be secured in the field.

(c) Candidates must know what discrepan-

cies to expect in retracement work and how to use evidence in the restoration of obliterated land lines and corners. They must understand the laws governing riparian rights, accretions, adverse possession. They must also be familiar with the ethics of the engineering profession.

**Rule No. 5. (Filed March 16, 1953). Registration in Iowa for Those Registered in Other States:** An engineer, registered in any state, who seeks registration in Iowa shall make application for such registration to the board on prescribed forms. The information submitted with that application, together with such information which the board obtains from boards in the state, or states, where he has obtained registration shall be used as evidence of qualification for registration in Iowa. [Amended June 14, 1961]

**Rule No. 6. Practice of Engineering Prior to Registration:** A professional engineer, registered in another state, who has made application for registration in the state of Iowa, under rule No. 5, may, upon specific application, be allowed to practice engineering in the state of Iowa, until the next meeting of the board, provided, in the opinion of the board, such practice is in the public interest, and the applicant has not begun the practice of engineering in the state before the board has approved his request. [Filed June 14, 1961]

**Rule No. 7. Preliminary Examinations for College Seniors (Engineers-in-Training):** Examination in fundamentals will be offered to persons graduating from accredited engineering courses. Examinations may be taken during or shortly after the final term at convenient times to be fixed by the board. These

fundamental examinations are designed primarily to accommodate students in Iowa engineering colleges and Iowa residents attending other engineering colleges. [Amended March 30, 1959 and June 14, 1961]

**Rule No. 8.** It shall be considered unprofessional and inconsistent with honorable and dignified bearing for any professional engineer or surveyor:

1. To act for his client, or employer, in professional matters other than as a faithful agent or trustee, or to accept any remuneration other than his stated recompense for services rendered.

2. To attempt to injure falsely or maliciously, directly or indirectly, the professional reputation, prospects or business of anyone.

3. To attempt to supplant another engineer or land surveyor after definite steps have been taken toward his employment.

4. To compete with another engineer or land surveyor for employment by the use of unethical practices.

5. To review the work of another engineer or land surveyor for the same client, except with the knowledge of such engineer or land surveyor, or unless the connection of such engineer or land surveyor with the work has terminated.

6. To attempt to give or obtain technical services or assistance without fair and just compensation commensurate with the services rendered.

7. To advertise in self-laudatory language, or in any other manner derogatory to the dignity of the profession. [Amended March 8, 1961]

## FAIR BOARD, STATE

### GENERAL RULES

1. The Iowa state fair management reserves to its board the final right to interpret these rules and regulations and settle and determine all matters, questions and differences in regard thereto, or otherwise arising out of, connected with or incidental to the fair.

2. All entries must be filed with the secretary on the date determined by the Iowa state fair board and printed in the premium list.

3. All entries must be made on the printed forms, which may be obtained free from the secretary.

4. In the event of conflict of general and special rules, the latter will govern.

5. Premiums paid will be as determined by the Iowa state fair board and printed in the premium book.

6. The time of judging in all departments shall be as determined by the Iowa state fair board and published in the premium list.

7. Should any individual enter an animal or article in a name other than that of a bona fide owner or attempt to perpetrate a fraud by misrepresenting any fact, the entry thus

made shall not be allowed to compete for or receive any premium. In case of question as to the age of an animal the superintendent shall appoint an expert, whose decision shall be final.

8. Exhibits which have been erroneously entered may, at the discretion of the secretary and superintendent of the department, be transferred to their proper class previous to the judging. If such classes have been judged, they shall not be rejudged.

9. All animals must be entered in the name of the owner and must have been owned by him not less than thirty days prior to the opening day of the fair.

10. No additional entries in the livestock departments will be accepted after the official catalog has been published.

11. Substitution of animals entered for reasons satisfactory to the management of the fair will be permitted prior to the opening day of the fair, providing the animal to be substituted was owned by the exhibitor thirty days prior to the opening day of the fair. All requests for substitution of this kind and the reasons therefor, together with name, date of

birth and registry number of the animal substituted, shall be approved by the superintendent of the department and filed in writing with the secretary.

12. No animal can be entered or exhibited as pure bred unless the same has been recorded in the recognized book of record for its respective breed, and exhibitors must produce certificates of registry at the request of the superintendent in charge any time during the fair.

13. All entry fees, stall and pen rent, space rentals and concession fees shall be as determined by the Iowa state fair board and printed in the premium book.

14. No refunds for stall fees or pen rent will be made unless cancellation is made before cataloging.

15. Exhibitors must keep the space in the rear of their stalls and pens and all alleyways clear and clean. All litter must be thrown where indicated by the superintendent and his assistants.

16. Exhibitors must keep their stalls open and stock uncovered from 8:00 a.m. to 6:00 p.m. each day of the fair.

17. Rules governing the health of all animals shown at the Iowa state fair will be as determined by the department of animal industry and published in the premium book.

18. The composition of all exhibits shall be determined by the Iowa state fair board.

ADMISSIONS

1. All admissions to the Iowa state fair shall be as determined by the Iowa state fair board and printed in the premium book.

2. The morning round-up will start from the camp ground fence each morning at 6:00 a.m. and will include all of the grounds and buildings west of the camp ground fence.

3. All persons remaining in this portion of the grounds over night must provide themselves with tickets for the following day.

4. No pass-out or return checks will be issued for the outside gates.

5. Campers will be required to pay the regular admission fees when entering the main portion of the grounds through these gates.

FORAGE

1. No delivery of feed other than for the forage department will be permitted within the grounds after the opening day of the fair. Exhibitors will be permitted to bring into the grounds only a limited amount of feed, hay or straw, and the management reserves the right to refuse admission of such if in their judgment there is an excessive amount. The space in the barns is for exhibition purposes and not for storage of feed. This rule will be strictly enforced.

PLACING AND RELEASING OF EXHIBITS

1. Time of placement and release of exhibits will be as determined by the Iowa state fair board and printed in the premium book.

SPECIAL PREMIUMS

1. The Iowa state fair board is pleased to list special premiums in the premium list, but will not be responsible for their payment or delivery unless they are in the hands of the secretary by the opening day of the fair.

2. Special prizes will not be accepted for classes that do not conform to the regular classifications of the department in which they are offered unless for reasons satisfactory to the executive committee and the superintendent of the department in which they are offered.

3. Specials are limited to money prizes or articles of intrinsic value.

PAYMENT OF PREMIUMS

1. Premiums in the open livestock departments will be paid at a time determined by the Iowa state fair board and printed in the premium book. Premiums in other departments will be paid as soon after the close of the fair as possible.

AWARDS

1. Where there is only one exhibitor in a class, the first prize, if merited, will be awarded. Where there is competition, all prizes may be awarded so far as there are worthy entries. Where animals or articles are not worthy of first prize, judges may, at their discretion, award a prize or prizes of such grade as the animals or articles deserve.

2. No animal will be awarded a prize unless promptly brought into the show ring with catalog number attached when class is called. Animals entered and not brought into the ring at the proper time, unless excused by the superintendent, will be charged double the regular stall or pen fee.

3. The following ribbon colors will be used in designating awards, except in show horse department:

COLORS FOR AWARDS

Champion .....	Royal Purple
Reserve Champion .....	Lavender
First .....	Blue
Second .....	Red
Third .....	White
Fourth .....	Pink
Fifth .....	Yellow
Sixth .....	Dark Green
Seventh .....	Light Green
Eighth .....	Tan
Ninth .....	Gray
Tenth and over .....	Light Blue

PROTESTS

1. The Iowa state fair board will not consider a protest, complaint or appeal based upon the statement that a judge or judges are incompetent.

2. Where a protest is made as to the eligibility of an animal or article to compete in any class, it must be made in writing and filed with the secretary before 12:00 noon of the day following the one on which the class was shown, accompanied by a twenty dollar cash deposit. The deposit will be forfeited if the protest is not sustained.

## TRAFFIC

1. Fast driving within the grounds is strictly prohibited. The superintendent of public safety is instructed to deal severely with any person or persons violating this rule. The board or executive committee may prohibit the running of automobiles on any street within the grounds whenever, in their opinion, it becomes dangerous or to facilitate the handling of traffic.

2. Under no consideration will automobiles be allowed to park around the buildings, or in any open parked space in the central part of the grounds.

3. Taxicabs will be required to park at one of three stations designated for that purpose, along the north side of Grand Avenue, south of the grandstand, southwest of the grandstand and north of the triangle.

## INSPECTION OF LIVESTOCK

1. All animals presented for exhibition at the Iowa state fair shall be subject to examination by the chief of division of animal industry before entering the fairgrounds, and to daily inspection during the exhibition. Should any animal be found to be affected with any contagious, infectious or communicable disease, it shall immediately be removed to a place of quarantine.

## GROUNDS AND BUILDINGS

1. Parties owning buildings upon the state fairgrounds must notify the secretary thirty days prior to the opening of the fair as to whether they desire to occupy the same or not, and if so, make arrangements with the superintendent of the department for such occupancy. Failure to comply with the provisions of this rule will cause the forfeiture of the use of such building or buildings to the fair management.

2. Any party or parties, firm or corporation owning buildings or material upon the state fairgrounds without lease, or whose lease has expired, who shall fail to remove same upon the order of the board within the time specified, shall forfeit all claim thereto, and the fair management may take charge of and remove same, charging expense attached thereto to the owner or owners thereof, which expense or claim must be paid before material is released to the owner.

## ADVERTISING

1. The distribution of handbills or other advertising matter is strictly prohibited, and no tacking or posting of advertising bills, cards, etc., will be permitted on any of the buildings, telephone poles or elsewhere. Exhibitors may advertise and distribute from their booth or exhibit only.

## EXHIBIT SPACE

1. Space assigned and not occupied before 12:00 o'clock noon the first preparation day of the fair will be forfeited.

## ELECTRIC LIGHT AND POWER

1. Charges for electric power and labor for installation will be as determined by the Iowa state fair board and printed in the premium book.

## CONCESSIONS AND PRIVILEGES

1. All dining halls, lunch booths and refreshment stands must be substantial in structure and neat in appearance. They must be supplied with wholesome food and pure, honest goods and sold at reasonable prices.

2. All concessionaires shall cause to be posted in a conspicuous manner, at the front or entrance of place of business, a sign showing the price to be charged for meals, lunches, drinks or other articles of food offered for sale. They shall also keep displayed in plain view of the public their concession contract number which will be furnished by the superintendent of the concession department.

3. All dining halls and places where regular meals or plate lunches are served must be screened.

4. No officer or employee in any department of the fair shall have any concession, or any interest or connection with any concession operated at the fair.

## NEWSPAPER SUBSCRIPTION SOLICITORS

1. Soliciting subscriptions for any newspaper or periodical will be permitted only upon the written request of the publisher or manager, mailed to the secretary ten days prior to the opening of the fair, which request must contain the name of the publication, privilege desired and the name of solicitors who have been continuously employed for a period of three weeks preceding date of application.

2. Solicitors must be gentlemanly, courteous and honest in their dealings with the public and are absolutely prohibited from using any form of merchandise, animal, article or ticket for future drawings or as a gift or inducement to influence subscriptions under a penalty of expulsion from the grounds and forfeit of cash deposit herein provided for.

3. The publisher or solicitor will be required to make a cash deposit of fifty dollars with the secretary or superintendent assigning space, as a guarantee that these rules will be complied with. In case there is no violation of the rule, the sum will be refunded.

## INDUSTRIAL AND MACHINERY DEPARTMENT

1. No loudspeaker, amplifier, radio or other sound device can be used on the exhibit space, unless the sound or amplification is confined to the inside of the tent occupied by the exhibitor.

2. Space contracted for cannot be assigned, sublet or otherwise disposed of without the consent of the superintendent of the machinery department.

## VARIED INDUSTRIES BUILDING

1. Demonstration of gasoline engines will be permitted in this building and on promenade surrounding building if propelled by electric motors.

2. Exhibitors will be permitted to build booths on space assigned them. The management recommends that the back wall be built



between columns approximately eight feet high, and the partitions between booths may be built with a section extending out not more than eight feet from the back wall and not higher than the back wall, with balance of partition to front of space not over forty-two inches high. The back wall and partition between exhibit spaces must be finished on both sides. If the exhibitors have booths or back panels built for exhibition purposes at other shows or fairs, they may be used on this space. The use of highly inflammable material in the construction of booths, such as corrugated or crepe paper or bunting, will not be permitted.

3. Signs in this building should be hung with the bottom of same ten feet above the exhibition floor. The suggested size is three feet in width and not to exceed fourteen feet in length, which will hang and show effectively between the steel columns across the back of each space.

4. No loudspeaker, amplifier, radio or other sound device can be used on the exhibit space.

5. No parking of automobiles or house trailers in exhibit space will be permitted.

6. No prison-made goods will be accepted for exhibition either in building or outside space.

#### SPEED DEPARTMENT

1. Rules of the U. S. Trotting Association to govern unless otherwise specified. The Iowa state fair board reserves the right to (1) reject any entry, (2) change order of program, (3) declare off any event or heat on account of either condition of track or unfavorable weather.

#### HORSE DEPARTMENT

1. **4-H Club Colts**—Colts entered in the 4-H Club classes may also be entered in the corresponding open classes by payment of a two dollar open entry fee for each exhibitor, and entry is made on regular open class entry blanks on or before the closing of open entries. Stall fees must also accompany entries, the same as regular open class entries. Colts entered in the open classes, and stall fees paid, will not have additional stall fees deducted from 4-H premiums if certified by the horse superintendent.

2. **Ownership of Animals**—Unless otherwise specified, to be eligible for competition, whether singly or in groups, animals must be the bona fide property of and owned by the exhibitor at the time entries close. Registry or transfer certificate showing exhibitor to be the owner must be presented upon demand.

3. **Unnamed entries** will not be accepted in the individual classes. Animals to compose a competitive group need not be named at the time entries are made, but must be entered in individual classes and catalog number of each animal given to ring clerk when group is shown. Sires in "get of sire" and dams in "produce of dam" classes to be named at time of making entry.

4. **Animals shown as bred by exhibitor** must be so recorded with the record association.

Those bought in dam cannot be shown as bred by exhibitor.

5. The date for computing age of all entries in the horse department shall be January 1. Colts foaled prior to January 1 must be entered in the class a year older than those foaled the following spring.

6. The judges will discriminate severely against animals that have hereditary or transmissible defects or unsoundness, such as bog or bone spavin, ringbone, curb (when accompanied by curby hock), cataract, stringhalt and roaring. All questions concerning soundness of animals will be referred to a competent veterinary surgeon.

7. No animal shall be awarded a prize unless removed from its stall and exhibited, with catalog number attached, in the show ring. Animals not exhibited when called out by the ring steward or superintendent, unless especially excused, will be charged five dollars per day for use of stalls or removed from the grounds, as the management may decide. Catalog stall cards will be furnished by the superintendent and must be tacked on the stalls where the animals are kept.

8. Only first and second prize winners in their respective classes shall be eligible to compete for champion and reserve champion prizes, and no second prize animal shall be entitled to rank above reserve in a champion class. All first prize animals will be required to show in champion classes unless excused by the proper officials. Exhibitors of first prize animals that fail to meet this requirement will forfeit, at the discretion of the officials, all or a portion of prizes awarded.

9. A feature of the horse show of special interest and educational value is furnished by the parades of the various breeds in the pavilion at the evening shows, from 8:00 to 10:00 p.m. Due notice will be given of the time and place of forming these parades. Any exhibitor failing to promptly comply with the call of the ring steward or the superintendent will forfeit all or such portion of the prizes awarded to him as the management of the fair may see fit to withhold, and the exhibitor may be barred from further showing during the fair.

10. Exhibitors are expected to obey the call promptly in producing their stock, when instructed to do so. Stock must be in the ring at the scheduled time, or within five minutes after the class is called, and it will be taken for granted that any person failing to comply with this rule is not a competitor for the premiums offered. Exhibitors will show their animals at such times and places as may be directed and shall furnish such information concerning their stock as may be required by the superintendent, and in case of refusal to obey this rule any or all premiums will be forfeited and the exhibitor barred from showing. The superintendent may exclude from competition exhibitors who fail or refuse to comply with any or all rules and regulations.

11. No alterations in stalls permitted unless permission of the executive committee is



given. No partitions or pens back of stalls for colts will be permitted. Exhibitors should order two stalls for mare and foal.

### SHOW HORSE DEPARTMENT

1. Unnamed entries will not be accepted.
2. Exhibitors showing in the Iowa classes only may take horses out if so desired. They must, however, be off the grounds before 7:00 a.m. the day following their showing. Exhibitors showing in only one class may bring their horses the day shown and take them home after the show if they wish to do so.
3. All horses awarded a prize must be sound for the purpose or class in which they are shown.
4. Due consideration will be given to size and development, but breed type and quality will not be subordinated to size in making awards.
5. All Iowa first and second prize winners will be required to show in Iowa championship classes, unless excused by superintendent. Balance of winners may compete if their owners so elect. Exhibitors that fail to meet this requirement will forfeit all, or a portion, of prizes awarded, at the discretion of the management.
6. Exhibitors are expected to obey the call promptly in producing their stock when instructed to do so. Stock must be in the ring at the scheduled time, and it will be taken for granted that any person failing to comply with the rule is not an exhibitor for the premium offered. Exhibitors will show their animals at such times and places as may be directed and shall furnish such information concerning their stock as may be required by the superintendent, and in case of refusal to obey this rule any or all premiums will be forfeited and the exhibitor barred from showing. The superintendent may exclude from competition exhibitors who fail or refuse to comply with any or all rules and regulations.
7. Exhibitors must keep their stalls sufficiently open so visitors may see the stock from 8:00 a.m. to 6:00 p.m. during each day of the exhibition. All exhibitors shall decorate their stalls in an attractive manner.
8. Exhibitors must keep the space in the rear of their stalls clear and clean; and all litter must be thrown where indicated by the superintendent or his assistants.
9. No alterations in stalls permitted unless permission of the executive committee is given. No partitions or pens back of stalls for colts will be permitted. Exhibitors should order two stalls for mare and foal.
10. All entries must remain in line in the show ring until ribbons have been awarded, unless otherwise ordered.
11. All animals competing must be entered in the name of their bona fide owners or their duly authorized agents.
12. The age of each horse will be computed from the first day of January in the year in which it was foaled.

13. Special care should be taken that the measurement of horses is correctly stated on the entry blanks and that they are entered in the proper class as to height, as in the case of a wrong entry in any class the animal will be disqualified from taking a prize in such class. Horses will be measured by the judges, from whose decision there is no appeal. This measurement will hold good in all competition during the show.

14. When one horse of a pair is not exceeding half an inch over or under the height prescribed, the other being within the limit, the pair shall not be disqualified. But the horse which is not within the prescribed limit shall not be eligible in any single harness class other than those to which it is entitled to enter on exact measurements.

15. All horses must be shown in the shoes in which they come to the show, and no horse's shoes may be changed except for reasons satisfactory to the management and with its consent. The use of shoes of excessive thickness for the purpose of increasing the height of a horse will not be allowed, and a horse shod in this manner will be disqualified. No toe weights will be allowed.

16. Animals under 14-2 will not be allowed to show in any of the saddle and harness horse classes.

17. All protests in show horse and pony classes must be made in writing and accompanied by a deposit of twenty dollars which will be forfeited if protest is not sustained. Such protest must state plainly the cause of complaint or appeal, and must be filed with the secretary within twelve hours after close of show. No complaint or appeal based upon the statement that the judge or judges are incompetent will be considered by the board.

18. Where a protest is to be made against the competition of an animal in any class, notice of same should be filed with the superintendent of the department before the class is passed upon, that the judges may be instructed to place a reserve award, that premiums may be properly distributed in the event of the protest being sustained.

### SHETLAND PONY DEPARTMENT

1. All ponies shown in the breeding classes must be duly registered with the American Shetland Pony Club, or application made in that club and recognized. All ponies are to be forty-six inches or under in height and are to be shown with full mane and tail. Ponies in the breeding classes (hand classes) are to be judged on a basis of sixty percent for conformation and type; forty percent for action, way of going and manners. In the model classes ponies are to be judged on conformation and type only. Tack may or may not be used in hand classes according to exhibitor's discretion. Tack will not be used in model classes. Shoeing is optional. All ponies are subject to measurement by management.
2. Unnamed entries will not be accepted.
3. **Ownership of Animals.** Unless otherwise specified, to be eligible for competition, wheth-

er singly or in groups, animals must be the bona fide property of and owned by the exhibitor at the time entries close. Registry or transfer certificate showing exhibitor to be the owner must be presented upon demand.

4. Unnamed entries will not be accepted in the individual classes. Animals to compose a competitive group need not be named at the time entries are made, but must be entered in individual classes and catalog number of each animal given to ring clerk when group is shown. Sires in "get of sire" and dams in "produce of dam" classes to be named at time of making entry.

5. The age of each pony will be computed from the first day of January in the year in which it was foaled.

6. No pony shall be awarded a prize unless removed from its stall and exhibited, with catalog number attached, in the show ring. Ponies not exhibited when called out by the ring steward or superintendent, unless especially excused, will be charged five dollars per day for use of stalls or removed from the grounds, as the management may decide. Catalog stall cards will be furnished by the superintendent and must be tacked on the stalls where the animals are kept.

7. Only first and second prize winners in their respective classes shall be eligible to compete for champion and reserve champion prizes, and no second prize animal shall be entitled to rank above reserve in a champion class. All first prize animals will be required to show in champion classes unless excused by the proper officials. Exhibitors of first prize animals that fail to meet this requirement will forfeit, at the discretion of the officials, all or a portion of prizes awarded.

8. Ponies entered in performance classes must be shown. However, if sick or injured, they may be excused by presentation of a veterinary's certificate to the management by 12:00 noon the day the class is to be held. Ponies not showing and not officially excused will cause exhibitor to forfeit all premium money won. See rule regarding stake fees for entries in stake.

9. **Stake Fees.** All stake fees must be paid in full by 10:00 a.m. on the day shown. Ponies, to be eligible for a stake, must have been entered and shown in at least one performance class prior to the stake. They may be entered in the stake class August 1 without penalty imposed in preceding paragraph.

10. Exhibitors must keep their stalls sufficiently open so visitors may see the stock from 8:00 a.m. to 6:00 p.m. during each day of the exhibition. All exhibitors shall decorate their stalls in an attractive manner.

11. Exhibitors must keep the space in the rear of their stalls clear and clean; and all litter must be thrown where indicated by the superintendent or his assistants.

12. No alterations in stalls permitted unless permission of the executive committee is given. No partitions or pens back of stalls for

colts will be permitted. Exhibitors should order two stalls for mare and foal.

13. All entries must remain in line in the show ring until ribbons have been awarded, unless otherwise ordered.

14. All protests in show horse and pony classes must be made in writing and accompanied by a deposit of twenty dollars which will be forfeited if protest is not sustained. Such protest must state plainly the cause of complaint or appeal, and must be filed with the secretary within twelve hours after close of show. No complaint or appeal based upon the statement that the judge or judges are incompetent will be considered by the board.

15. Where a protest is to be made against the competition of an animal in any class, notice of same should be filed with the superintendent of the department before the class is passed upon, that the judges may be instructed to place a reserve award, that premiums may be properly distributed in the event of the protest being sustained.

#### CATTLE DEPARTMENT

1. **4-H Club and F.F.A. Heifers:** Heifers entered in the 4-H Club or F.F.A. classes may also be entered in the corresponding open classes by payment of a two dollar open entry fee for each exhibitor, and entry is made on regular open class entry blanks on or before the closing of open entries. Stall fees must also accompany entries, the same as regular open class entries. Heifers entered in the open classes, and stall fees paid, will not have additional stall fees deducted from 4-H premiums, if certified by the cattle superintendent.

2. **Ownership of Animals:** Unless otherwise specified to be eligible for competition, whether singly or in groups, animals must be the bona fide property of and owned by the exhibitor at the time entries close. Registry or transfer certificate, showing exhibitor to be the owner, must be presented upon demand. Animals owned in partnership may be entered in all classes, to which they are eligible, in one partner's name, but must be shown under the same ownership in each class. The entry must carry a footnote showing the actual ownership of the animal as appearing upon the herd book records.

3. Unnamed entries will not be accepted in individual classes. Animals to compose a competitive group need not be named at time entries are made, but must be entered in individual classes and catalog number of each animal given to ring clerk when group is shown. Sire in "get of sire" and dams in "produce of cow" classes to be named at time of making entry.

4. Animals shown as bred by exhibitor must be so recorded with the record association. Those bought in dam cannot be shown as bred by exhibitor. Animals bred by a member of a firm or partnership shall be considered as bred by the firm or partnership.

5. Bulls thirty-six months old or over to be eligible to show must have dropped to his

service during the twelve months preceding the show one or more living calves. Cows forty-two months old or over to be eligible to show must have produced a calf carried to maturity within eighteen months preceding the show. In the **Beef Breeds** no calf dropped after March 31 of the current year shall be eligible to compete in any class (this does not apply to the Aberdeen Angus division). In the **Dairy Breeds** no calf dropped after February 28 of the current year shall be eligible to compete in any class.

6. Exhibitors are expected to obey the marshal promptly in producing their stock when instructed to do so. Stock must be in the ring within ten minutes after the class is called, and it will be taken for granted that any person failing to comply with this rule is not a competitor for the premiums offered. Exhibitors must show their animals at such times and places as directed, and furnish such information concerning their stock as may be required by the superintendent. In case of refusal to obey this rule any or all premiums will be forfeited and the exhibitor barred from showing.

7. No animal will be awarded a prize unless removed from its stall and exhibited, with catalog number attached, in the show ring. Animals not exhibited when called out by the ring steward or superintendent, unless specially excused, will be charged four dollars per head for the use of stalls or be removed from the grounds, as the management may decide. Catalog stall cards will be furnished by the superintendent and must be displayed above the stalls where the animals are kept.

8. A feature of the cattle show of special interest and educational value is furnished by the parades of the various breeds in the pavilion at the evening shows at 8:00 to 10:00 p.m. Due notice will be given of the time and place of forming these parades. Any exhibitor failing to promptly comply with the call of the ring steward or superintendent will forfeit all, or such portion of the prizes awarded to him, as the management of the fair may see fit to withhold, and the exhibitor may be barred from further showing during the fair.

9. **Milking Out:** In the milking shorthorn, red poll and all dairy cattle classes milking out of cow classes in the ring may be required.

10. Any artificial means of removing or remedying physical defects or conformation in exhibition animals, such as lifting or filling under the skin, will be considered as fraud and deception. All animals giving evidence of such treatment will be barred from exhibition at the Iowa state fair and at all fairs holding membership in the International Association of Fairs and Expositions.

#### DAIRY BREEDS *Special Rules*

1. The dates for both bulls and females are shown in each class. All dates are inclusive.

2. **Get of Sire:** Group to consist of four animals, either sex, the get of the sire, at least one to be two years of age or older. Not more

than two bulls can be shown. Sire must be named. Each exhibitor is limited to one entry sired by the same bull. Get need not be owned by exhibitor.

3. **Junior Get of Sire:** Group to consist of four animals under two years of age, none of which have freshened, either sex, the get of one sire, not more than two can be bulls. Must be bred by exhibitor. Sire must be named and each exhibitor is limited to one entry sired by the same bull. Junior get need not be owned by exhibitor.

4. **Produce of Dam:** Group to consist of two animals any age, either sex the produce of the cow. The dam must be named. Each exhibitor is limited to one entry from the same dam.

5. **Dairy Herd:** Group to consist of four cows over two years that have all calved at least once, all to be owned by exhibitor. Each exhibitor is limited to one entry.

6. **Best Three Females:** Any age. Must be bred and owned by exhibitor. Each exhibitor is limited to one entry.

7. **Iowa District Herds:** District herd shall consist of eight animals, one bull any age, two females, two years old or over, three females under two years and two other females any age. All animals shall be owned by persons within an established district as set up by the state breed association. Cattle must be owned by not less than three exhibitors with no exhibitor furnishing more than three animals, and all animals in which a breeder owns a partnership interest will be counted in these three.

8. The owners of animals making up the district herd must have exhibited cattle at their respective breed shows. The individual animals need not have been exhibited there, however.

9. All animals entered in the district herd must be entered and shown in the open individual classes and must be exhibited under their respective owners' names. Such entries will be staled with the rest of the exhibitor's herd and stall rent paid by him. District groups are invited and encouraged to enter additional cattle in the open classes but entries must be made in the individual exhibitor's name.

10. The president or secretary of the district association must make entry of district herds with the secretary on the date designated by the Iowa state fair board and must name the person who will be in charge at the state fair, which person shall name the animals that shall constitute the herd after arrival at the fair.

#### SPECIAL PRIZES FOR HERDSMEN

1. Special prizes will be awarded in this department to the herdsman. A committee named by the superintendent of the department will make inspections to determine the award, the period covered for inspection to be designated by the Iowa state fair board. Judges will take into consideration the following: (1) Orderliness and cleanliness of stalls

and animals. (2) Promptness in having stalls cleaned by 8:00 a.m. (3) Systematic and neat arrangements of traps, feed and forage. (4) Personal appearance of herdsmen and helpers. (5) Observance of all rules and regulations. (6) Co-operation with officials in promoting the show and showings.

#### SWINE DEPARTMENT

1. **4-H Club and F.F.A. Pigs.** Breeding class pigs entered in the 4-H Club or F.F.A. classes may also be entered in the corresponding open classes by payment of a one dollar open entry fee for each exhibitor, and entry is made on regular open class entry blanks on or before the closing of open entries. Pen fees must also accompany entries, the same as regular open class entries. Pigs entered in the open classes, and pen fees paid, will not have additional pen fees deducted from 4-H premiums, if certified by the swine superintendent. Market pigs can only be entered in the open if they are placed in the blue award group and payment of fifty cents per pig made with the 4-H swine superintendent at the time designated by the Iowa state fair board.

2. **Ownership of Animals.** Unless otherwise specified, to be eligible for competition, whether singly or in groups, animals must be the bona fide property of and owned by the exhibitor on or before July 30 of the year exhibited. Registry or transfer certificate showing the exhibitor to be the owner must be presented upon demand.

3. Individuals or firms will be permitted to show not to exceed two animals in each class, and no animal may be entered or exhibited in more than one breed.

4. Unnamed entries will not be accepted in the individual classes.

5. Animals shown as bred by exhibitor must be so recorded with the record association. Those bought in dam cannot be shown as bred by exhibitor.

6. **Pedigrees.** No animal can be entered or exhibited as pure bred unless the same has been recorded in the recognized books of record for its respective breed, and exhibitors must produce certificates of registry at the request of the superintendent in charge any time during the fair.

7. No animal will be passed upon by the judge or awarded a premium whose attendant does not carry and show proper catalog number for class exhibiting. Animals not exhibited when called out by the ring steward or superintendent, unless specifically excused, will be charged six dollars for the use of pens or removed from the grounds, as the management may decide.

8. Each exhibitor will be required to furnish feed and water troughs and must store all feed and equipment in feed aisles between pens. Pens must be cleaned before 7:00 a.m. each day, and all litter deposited at a place to be designated by the superintendent of the department, but under no consideration will litter be permitted to be deposited on either

west, north or east outside fronts of the swine barn.

9. Mature and senior yearling sows shall have farrowed and suckled a litter. Junior yearling sows shall have farrowed and suckled a litter or show ample evidence of carrying a litter at time of exhibition.

10. **Standard Swine Classification.** Ages will be as set by the Iowa state fair board.

#### MARKET BARROWS—SPECIAL RULES

1. Barrows must have been farrowed on or after date set by the Iowa state fair board.

2. Exhibitors will be permitted to show not to exceed two individuals or two groups in their respective classes.

3. Only pure bred barrows may be exhibited in the breed classes, and the names and registry numbers of their sire and dam must be given on the entry blank. Cross bred and grade barrows must have been sired by a registered boar whose name and registration number, with the name and address of his owner, must be given on the entry blank. This rule will positively be enforced.

4. First prize barrows and pens within each breed will compete for breed championships. First prize barrows and pens will compete for weight championships. Weight champions will compete for grand championships.

5. All 4-H Club and F.F.A. market pigs placing in a blue ribbon group may compete in their corresponding open market barrow classes, providing they are eligible under the rules as to weight, pedigree, etc. Entry must be made with the superintendent of the swine department on or before the date set by the Iowa state fair board, accompanied by an entry fee of fifty cents per head.

6. General rules governing entries in the regular swine classes will apply also to market barrows. In case the general rules conflict with the special rules, the latter shall govern.

7. Competition limited to residents of Iowa.

#### SHEEP DEPARTMENT

1. **4-H Club and F.F.A. Lambs.** Breeding class lambs entered in the 4-H Club or F.F.A. classes may also be entered in the corresponding open classes by payment of a one dollar open entry fee for each exhibitor, and entry is made on regular open class entry blanks on or before the closing of open entries. Pen fees must also accompany entries, the same as regular open class entries. Lambs entered in the open classes, and pen fees paid, will not have additional pen fees deducted from 4-H premiums, if certified by the sheep superintendent.

2. **Ownership of Animals.** Unless otherwise specified, to be eligible for competition, whether singly or in groups, animals must have been owned by one individual or previous existing firm at least thirty days prior to the fair. The date stamp of the registry association will determine date of ownership. Registry certificate or transfer, showing exhibitor to be the owner, must be presented upon demand.

3. Individuals or firms may make as many entries as they wish, but will be limited to two awards in the individual classes and one award in each group class.

4. Animals to compose a competitive group need not be named when making the entries, but must be entered in individual classes and catalog number for each animal given to ring clerk when group is shown.

5. All exhibition animals must be recorded and wear the association ear tag at the time of showing. Failure on the part of an exhibitor to furnish sufficient evidence that his sheep are eligible under this rule, to the satisfaction of the superintendent or judge, will disqualify all animals whose breeding is held in doubt.

6. Animals shown as bred by exhibitor must be so recorded with the record association. Those bought in dam cannot be shown as bred by exhibitor.

7. Graded flock shall consist of one ram, any age, one ewe two years or over, one ewe one year, under two, and one ewe lamb under one year.

8. Breeder's young flock shall consist of one ram under two years, two ewes, one year under two, and two ewes, under one year, all bred and owned by exhibitor.

#### POULTRY DEPARTMENT

1. Entry tags will not be mailed after date designated by the Iowa state fair board but will be retained in the secretary's office on the grounds, where they may be called for.

2. All fees for coops must in all cases accompany the entries.

3. All birds must be marked by numbered leg bands and the number must appear upon the entry blanks and shipping tags.

4. Entries may be made by mail or in person, but in all cases the number of birds, name of exhibitor and band number must be plainly stated on the entry blank. Additional entry blanks will be furnished by the secretary upon request. Any misrepresentation made by the exhibitors in regard to their stock will forfeit their rights and privileges. Shipping tags will be mailed to all exhibitors. These tags must be attached to the coops in which the birds are shipped.

5. All expenses for transportation must be prepaid by the owner.

6. All birds will be cooped in coops furnished by the management.

7. Feed for poultry will be furnished by the management and competent assistants will have charge of the feeding.

#### AGRICULTURAL DEPARTMENT

1. Entries in this department are limited to residents of Iowa, and all products must have been grown within the state by the exhibitor. Affidavit to that effect must be given when demanded by the superintendent.

2. Exhibitors in this department will be limited to one entry in each class, and only one entry can be made from any one farm.

3. All entries in this department must be the product of the current year, except as otherwise provided. All samples of corn must have been grown in Iowa by the exhibitor during the previous year. The judges are instructed to reject all entries which show any indication of not having been produced during the previous year. The same sample of corn cannot be exhibited in more than one class.

4. No ear of corn in any sample may have more than one percent of its grains missing. All samples must be in their natural condition at both butts and tips of ears.

5. Clipped oats and barley will be excluded from competition.

6. The arrangements of exhibits will be directed by the supervisor and will be classified wherever possible.

7. Exhibitors must not change their exhibits, or any part thereof, after the hour designated for the same to be in place; a violation of this rule to work the forfeiture of any and all premiums won in this department by said exhibitor.

8. For the exhibit of field corn and individual farm exhibits, the state is divided into three districts, viz: Northern, Central and Southern.

#### INDIVIDUAL FARM EXHIBITS

1. The products exhibited in this division must have been grown on the individual farms exhibiting and the farm must be entered in the proper district. Affidavit as to the facts must be made by the exhibitor when demanded by the superintendent or judge.

2. The amount of money to be divided pro rata according to the score in each district will be on a basis decided by the Iowa state fair board for each exhibit that qualifies. If not more than two exhibits qualify in a district, the maximum amount awarded each will not be more than comparable scores in the district having the most entries.

3. An exhibit must score sixty points or better to be eligible for premium money. The amount of money prorated in a district will be based on the number of individual farm exhibits competing from that district and will be prorated on total scores of the exhibits within the district.

4. Samples exhibited in this division will be barred from showing in other classes. All decorations considered in scoring must be made from agricultural products.

5. The size of booth allotted to each individual farm exhibit will be as follows: Eight feet wide, seven feet high above shelving and six feet deep. The dividing partitions slope from six feet at the bottom to one foot at the top. This will give for exhibition purposes the back wall, eight by seven feet, and as much of the partition wall as may be deemed advisable to use. In addition to this wall space, each booth is supplied with four twelve-inch shelves.

6. This exhibit is to be educational and must consist of products produced upon the individual farm exhibiting, keeping in mind the basis of judging as shown by the score card.

7. "Best Maintained Individual Farm Booths" will be determined by the condition in which the booth as a whole is kept for the duration of the fair, particular attention being paid to perishable products, which must be replaced with fresh specimens when starting to deteriorate. All or part of the premium money may be withheld on any booth which is not maintained in a neat, attractive condition. All decorations considered in scoring must be made from agricultural products.

8. The following scale of points will be used in judging the individual farm exhibits:

	<b>Points</b>
Quality of products .....	30
Overall arrangement .....	30
Educational value .....	20
Adaptability of products .....	20
Total .....	100

**HORTICULTURAL DEPARTMENT**

1. Entries in this department are limited to residents of Iowa, and all products must have been grown within the state, by the exhibitor. Affidavit to this effect must be given when demanded by the superintendent.

2. The state is divided into three districts for classifying apples. Fruits from one district cannot compete for premiums in other districts.

3. Only one entry can be made in each class by an exhibitor or from the same garden or orchard. Duplicates must be provided for all collections, except district collections.

4. To make entry in the optional classes, list the correct optional class number, on the entry blank, as many times as there are varieties to be shown, following each class number by the name of a variety. This permits the exhibitor to win more than one premium in optional classes on worthy varieties.

5. Exhibitors may replace with fresh specimens any exhibits that show a tendency to spot or decay at any time during the fair, except when the judge is working on the class in which they are entered. The superintendent shall have the right to remove from exhibition any exhibit, or any part thereof, which is unsightly, or which needs to be removed for the space required by new classes.

6. As the products exhibited are designed to be educational, it is expected that exhibitors will co-operate with the management by giving all possible information to visitors. This is the place to learn more about varieties and the growing, packing and marketing of horticultural crops.

7. The arrangement of exhibits will be directed by the supervisor and will be classified wherever possible.

8. In all cases, a plate shall consist of the following number of specimens: Apples, 5; crab apples, 8; pears, 5; peaches, 5; grapes, 4 bunches; plums, 12; strawberries, 1 level pint box. Any plate that does not contain the correct number of specimens will be excluded from competition.

9. Where two or more varieties are listed together in one class, this means that one variety or all have not been exhibited the past two or more years. Judge as a sweepstake class.

10. The judges will consider the following points in placing the various classes:

(a) Accuracy of name is required and any variety incorrectly named may, at the discretion of the management, be reclassified or excluded from competition.

(b) Plate classes of apples will be judged by the following scores:

	<b>Points</b>
Form .....	15
Size .....	15
Uniformity .....	20
Color .....	20
Condition .....	30
Total .....	100

11. Judges may withhold premiums from unworthy exhibits.

12. Exhibitors shall not handle any exhibits or material, other than their own, unless permission is secured from the superintendent.

**FLORICULTURAL DEPARTMENT**

1. Except as otherwise stated, entries open to garden clubs, other groups or individuals.

2. Individuals, groups or clubs are limited to one entry in each class except in the gladiolus division, and any premium may be withheld at the discretion of the judge.

3. Use of artificial plant material or nature faking will disqualify any exhibit.

4. The superintendent shall have the right to remove or exclude from the hall, at any time, any exhibit or part thereof which is unsightly.

5. Where color is mentioned, unless the exact shade is specified, all shades or varieties coming under the major color compete together. In mixed colors the one predominating shall classify.

6. Same containers and accessories cannot be used twice in succession in same group of arrangements.

7. A large arrangement must be at least twenty-four inches high.

**APIARY DEPARTMENT**

1. Entries limited to residents of Iowa.  
 2. Exhibitors are limited to one entry in each class.

3. The arrangement of exhibits will be directed by the superintendent and will be classified wherever possible.

4. Any premium may be withheld at the discretion of the judge.

5. All honey and beeswax exhibits must be the product of the exhibitor's apiary this season.

6. Exhibitors must provide adequate ventilation for live bees in observation hives.

7. Exhibits will be disqualified if they do not comply with the classifications.

8. Apiary products cannot be sold during the fair. Exhibitors wishing to sell their products must pay the regular concession fees.

#### CULINARY DEPARTMENT

1. Entries in this department limited to women who must be residents of Iowa.

2. All articles entered in this department must be strictly homemade and the work of one who does not sell her products. All products exhibited in jars, etc., must have been canned since January 1 of the previous year. All articles that do not comply with this rule will be disqualified.

3. Exhibitors are limited to one entry in each class.

4. Not more than ten cakes may be entered by any one exhibitor.

5. Unless otherwise specified the use of pans, plates, trays, mirrors, paper doilies, wax paper, etc., on or in which to exhibit bread, cake, cookies and doughnuts is strictly prohibited. The management suggests all baked articles be placed on heavy corrugated boards covered with plain white paper one inch larger than pan in which product was baked.

6. Canned products should be displayed in regulation pint or quart jars. Two-quart and one-half pint jars, tall slender jars or bottles are not acceptable. Jelly must be entered in regular jelly glass.

7. Any premium may be withheld at the discretion of the judge.

8. Exhibitors will not be permitted to enter the display case.

9. The management will use diligence to insure the safety of articles after their arrival and placement, but in no case will they be responsible for any loss or damage that may occur.

10. Except on popcorn balls, taffy, peanut brittle and butterscotch candy, wrapping must be removed from all articles before they are delivered to the superintendent.

11. Cookies, doughnuts and candy should be arranged on double paper plates.

#### TEXTILE DEPARTMENT

1. Entries in this department will be limited to residents of Iowa.

2. Exhibitors are limited to one entry in each class, except work other than named.

3. Any premium may be withheld at the discretion of the judge.

4. Those who teach or sell their work shall be considered professionals and cannot exhibit in any class. This rule to apply throughout the department.

5. All textiles, including quilts and rugs, will be judged by the following score: General appearance, thirty percent; newness of design and material, thirty percent; suitability to occasion, ten percent; individuality, ten percent; neatness, twenty percent.

#### IOWA ART SALON

1. Entries are limited to residents of Iowa.

2. Exhibits must be delivered or shipped (charges prepaid) to the Secretary's Office in the Administration Building at the Iowa State Fairgrounds, Des Moines, Iowa.

3. Work previously accepted at the Iowa Art Salon cannot be entered again.

4. Work must be original (not copied) and completed within the past five years.

5. All works, including drawings and prints, must be framed.

6. An exhibitor will be awarded but one premium in any class.

7. An exhibitor may receive the first premium in any regular class only twice. An artist who has won such premium may enter a work in the same class for a "Purchase Prize" only. If a work is for sale, the tag should be plainly marked "For Purchase Prize". Any artist exhibiting is eligible for this prize.

(The work secured through the "Purchase Prize" will be turned over to the superintendent of public instruction to be used as part of a loan exhibit for Iowa high schools.)

8. Not more than four entries may be made and not more than two in any one class.

9. First, second, third and fourth prize winners in each class will be awarded medals.

10. No single piece of sculpture may weigh more than one hundred fifty pounds.

11. Exhibitors who will be unable to call for their exhibits the last day of the fair must have them packed so they can be returned by express collect, otherwise they will be left at the secretary's office at the fairgrounds to be called for. All Des Moines entries must be called for, preferably in the following week.

12. The artist is unrestricted as to subject matter, and premiums will be awarded by the judge solely on the basis of artistic excellence.

#### PHOTOGRAPHIC SALON

1. Entries open to the world. No entry fee required.

2. Composition and exposure must be the work of the exhibitor, but the developing and finishing may be done by anyone.

3. Exhibitors will be permitted to enter not to exceed twelve prints, not more than four of which may be entered in any one class.

4. An exhibitor will not be awarded more than one premium in any one class.

5. Prints may be of any photographic process, black and white or toned and color. No crayon or oil tinted prints will be accepted.

6. Photos must be delivered or shipped, charges prepaid, to the secretary's office in the Administration Building at the Fairgrounds, Des Moines, Iowa.

7. The judge will pass on all photos entered, but only those accepted will be hung.

8. The judge will not award premiums to unworthy exhibits. It is the intention of the



management that no premium or distinction of any kind shall be given to exhibits that are not deserving.

9. First, second and third prize winners in each class will be awarded ribbons. All prints hung will be awarded the Iowa state fair salon label.

10. Competition for sweepstakes and reserve sweepstakes limited to first and second prize winners in each class.

11. All photos not called for at close of fair will be returned by express collect. Do not send postage for their return. Photos entered by Des Moines residents should be called for by the week following the fair as these cannot be sent by express.

#### RURAL FAMILY LIVING

1. Counties make application to exhibit to Extension Service, Iowa State University, Ames, Iowa.

2. A committee will determine the eighteen counties selected to exhibit, in an effort to have all major phases of the year's program on display. These counties will be notified of their selection.

3. Each exhibit must represent a part of the home economics program offered through the extension service of Iowa State University or women's activities in co-operation with county farm bureaus.

4. The county will be responsible for having exhibit in place on designated time and for general upkeep of the booth during the entire fair.

5. Each county must have an informed person, other than the county extension home economist, responsible for the exhibit during the entire fair.

6. The amount of money will be divided pro rata for each exhibit that qualifies. The minimum will be fifty dollars per county. Any additional amount will be prorated in accordance with information supplied giving itemized list of expenses for the exhibit. (The extension service will furnish each county with a cost sheet form.)

#### BABY HEALTH DEPARTMENT

1. Entries limited to babies whose parents are residents of Iowa.

2. A two dollar entry fee is required in this department and must accompany entry. This is not an examination fee, and will not be refunded unless withdrawal of entry is made before catalog is compiled. Entries must be made with the secretary by mail, or by parents or guardians in person on entry blank furnished. All information requested on this form must be given at the time entry is made.

3. Babies will not be examined unless regularly entered.

4. Notice of the time and place for examination will be mailed to all whose entries are accepted and no examinations will be made on days other than specified. Examination will start at 8:00 a.m. each day.

5. No child suffering from any acute or constitutional disease may be entered. Eruptions, sore throat or fever will exclude any child.

6. Premiums in each class of this department will consist of specially designed medals; gold medals for first, silver medals for second, third and fourth. Highest scoring boy and girl in each section will be awarded silver cups; grand and reserve grand champions will be awarded loving cups. Names will be engraved free of charge.

7. Premiums will be awarded at the time set by the Iowa state fair board and printed in the premium list.

#### FARMERS AND AMATEUR HORSESHOE PITCHING TOURNAMENT

1. Residents of Iowa and neighboring states who have not won premium money totaling more than fifty dollars in horseshoe pitching tournaments during any calendar year for the last three years will be eligible to compete.

2. Contestants entering the tournament must report to the manager of the tournament at the state fair horseshoe courts at the time set by the Iowa state fair board and printed in the premium list.

3. No entry fee will be charged.

4. All games will be played on the state fair horseshoe courts at the time set by the Iowa state fair board and printed in the premium list.

5. The tournament will be divided into divisions as follows:

Farmers Division—Entries are limited to actual farmers, members of their families who reside at home and work on the farm and men employed on farms on a monthly basis.

Open Division—Horseshoe pitchers not eligible to enter the farmers division may compete in this division.

Junior Division—Open to any boy under eighteen years of age as of August 31 of the current year.

6. The rules of the National Horseshoe Pitchers' Association will govern competition. The officials shall decide any points which are not covered by the National rules, or where such rules do not apply. Games will be pitched on official forty-foot courts, with shoes not exceeding two and one-half pounds in weight, seven and one-half inches in length and seven inches in width. Calks and body of shoes shall not exceed one and one-sixteenth inches in height over all. The opening between the heel calks shall not exceed three and one-half inches, inside measurement. Said opening shall not be more than nine-sixteenths inch measurement from a straight edge placed across the heel calks. No projection shall be allowed ahead of calk on inner circle of shoe. Height of pegs, twelve inches above the clay surface, with a three-inch incline toward the opposite stake. Pitchers will not be permitted to stand on the clay, but must stand on the cement slab which is eighteen inches in width by six feet in length and eighteen inches from the peg. Points to be scored as follows: Ring-



ers, three; double ringers, six; closest shoe, one, which must be within six inches of the peg.

7. All contestants will pitch one hundred shoes in a qualifying round on dates and at a time set by the Iowa state fair board and printed in the premium book. The high twelve in each division will qualify for the finals. Scores made in the qualifying rounds will be posted at the horseshoe courts and it will be the responsibility of each contestant to inform himself as to whether or not he is eligible to compete in the finals. Finals in the junior division and in the farmers and open divisions will start at a time set by the Iowa state fair board and printed in the premium book. The twelve persons in each division who qualify for the finals will play a round robin tournament. Each contestant will pitch one fifty-point game with every other contestant in his division. The contestants winning the most games in the round robin tournaments will be declared champions of their divisions. Ties in the number of games won will be decided by pitching one hundred shoes, excepting in ties occurring for first place, in which case the winner of two out of three fifty-point games will be given the championship. Champions of the three divisions will compete in a straight elimination tournament for the grand championship. Matches to consist of two out of three fifty-point games.

#### OLD FIDDLERS' CONTEST

1. Open to any person fifty years of age or over.

2. The location and time of the contest will be as set by the Iowa state fair board and printed in the premium list.

3. All music played must be old-time music in the general acceptance of the term, and must be played by ear or from memory. In other words, note playing is barred.

4. Five minutes' time will be allowed each contestant and he may play as many selections as he wishes, provided they come inside the time limit. He can choose his own selections, and they may be named or not, as he may desire.

5. One accompanist is allowed, which may be either organ, guitar, banjo or violin, at the option of the contestant, but not more than one accompanist may be used. Contestants must furnish their own accompanist.

6. Position on the program will be decided by number.

#### RABBIT DEPARTMENT

1. All entry fees must accompany entries or entry will not be accepted.

2. The Iowa state fair board will not be responsible in case of fire or theft, accidents or providential destruction. However, every precaution will be taken to eliminate any danger of mistakes in the show room and the return of stock.

3. No animal showing symptoms of disease of any kind will be admitted to the show room.

Any animal in an unacceptable condition will be given proper care and returned to the exhibitor.

4. All stock must be permanently and legibly earmarked.

5. There must be five or more of a breed shown in order to be eligible for special prizes for best of breed or best opposite sex offered by the Iowa state fair board.

6. All specials open to the world unless otherwise stated.

7. Ribbons will be awarded to fifth place.

8. An exhibitor must have four entries to be eligible for display award.

9. Display points to count as follows: First, six; second, four; third, three; fourth, two; fifth, one; multiplied by the number in class.

10. No substitute will be allowed except in the same class, breed and sex.

11. Fur classes provided for: Normal colored, Normal white and Rex fur.

12. All specimens may compete only in classes entered.

13. No rabbit may be entered in fur or Rex fur unless entered in regular class.

14. Absolutely no breeding allowed in show room.

15. All rabbits must be entered in the name of the bona fide owner.

16. Any person interfering with the judge or judging in any way will have his exhibits disqualified, without refund of entry fees or any premium awarded previous to the disqualification.

17. All exhibits must be shown in their natural condition. Any violation of this rule shall exclude such specimen from competition and result in the withholding of any premium award.

#### TEAM PULLING CONTEST

1. Horses may be kept on the grounds by paying a stall fee set by the Iowa state fair board and published in the premium book.

2. All competing teams will be weighed immediately before going to the pulling paddock and in the condition in which they are ready for pulling. Teams will be weighed only once. Any horse found tampered with will be barred from pulling. At the close of the contest each day, all competing teams that win prizes will be re-examined and measured at the horse barn and all winning teams must remain until this record is completed.

3. A rest period of at least five minutes will be allowed between each pull.

#### WEIGHT CLASSIFICATIONS

1. Teams weighing less than 2,800 pounds, and not over 15.2 in height, measured from top of shoes.

2. Teams weighing 2,800, under 3,200 pounds, and not over sixteen hands in height, measured from top of shoes.

3. Teams weighing 3,200 pounds and over or teams not eligible to other classes.

## ELIGIBILITY

1. Horses or mules, pure bred, grade, or unknown, are entitled to enter and may be stallions, mares or geldings.

2. No horse will be permitted to pull in more than one class in any contest regardless of its weight or height.

3. Horses must have been the bona fide property of the contestant or contestants at least thirty days before the contest. Partnership or dual ownership will be permitted providing the horses were the property of the entrants thirty days before the contest. In case of a partnership or dual ownership the teams must be entered in the names of both owners.

## LENGTH OF OFFICIAL PULL

1. The official pull or distance shall be a continuous forward movement for twenty-seven and one-half feet. Pulls of a shorter distance shall not be used except to determine winners when two or more teams fail to pull the full distance of twenty-seven and one-half feet.

## STARTING

1. Drivers must furnish their own helpers for hitching, and hooking to machine, who are their employees while participating in contest.

2. Lunging the team into the load at the start will not be permitted.

3. Not more than one man will be allowed to stand at the heads of the animals while they are being hitched. He may help to the extent of leading the horses or mules forward slightly until tugs and cable are taut, but must step away, leaving the animals in a standing position, before the start; but this help, if given, shall count against the driver's horsemanship.

4. If the animals get out of control, and lunge at the start, the judges shall stop them, but said pull shall count as one of three official trials.

## ORDER OF TESTS

1. The first test will be with such a load as any good pulling team in the class may be expected to move. The load after the initial pull may be increased as the judges may require. A team will be given a total of three trials to move any load the full distance. In case two or more teams fail to pull the set load the full distance the teams may be placed in the order of the longest actual distance pulled.

## DYNAMOMETER

1. The apparatus used in these tests shall be a constant resistance dynamometer as designed and patented by the agricultural engineering section of the Iowa Experiment Station, Ames, Iowa. The point of hitch of the doubletree must not be less than twelve inches from the road surface.

## CONDITIONS OF TESTS

1. Drivers must ride on and drive from the seat provided; in no case will they be permitted to ride or lead any horse, or walk beside the team. Lines must be held reasonably taut, one in each hand, while team is pulling; slackening or "pushing on" the lines, so that

they hang loose, while pair is pulling, voids pull from that point on.

2. The drivers or helpers are not permitted to carry whips or to punish the animals in any way, nor to use electric buzzers, or any other device to frighten the animals at any time during the contest, whether pulling or awaiting their turn.

3. Interference from the side lines will void that particular pull. It may be taken over.

4. A competent man selected by the judges must watch the teams that are awaiting their turn to pull, and if any whipping, punching, prodding or punishing of animals is observed by him, he shall report same to the judges, who may warn the offender or disqualify him from further participation in the contest; but the team may remain in if the owner selects a new driver or helper to take the place of the one disqualified.

## EQUIPMENT

1. Harnesses must be furnished by the contestant and may be any type of harness or collar, except that weighted collars or special weights of any kind on any part of the horse are forbidden. Bandages, boots or artificial aids of any kind will not be allowed on any horse while pulling.

2. Hitching with cross tugs is prohibited.

3. Bridles may be either open face or blind bridles, but no change therein may be made after the contest starts.

4. In case any part of a harness breaks during a pull, and the team is stopped, the pull will count as one trial and the distance measured. If, however, the eveners, cable or any part of the dynamometer breaks during a pull, unless caused by lunging, the trial will not be counted against the team but the distance traveled will be measured and can be used in determining the final rating of the team.

## JUDGING AND SCORING

1. Horses and drivers are subject to the control of the judges throughout the contest period. Awards will be made on a basis of one-hundred percent for pulling capacity, but in event of a tie between teams the time required to cover a certain distance while exerting the maximum pull, which is taken with a stop watch, may be considered in making a final decision.

2. State championships are awarded only to teams pulling load full distance; in case of tie, time shall govern the decision.

## DRIVERS

1. Horses may be driven by any driver designated by the owner and owners may change drivers at any time, providing such change be communicated to the judges at or before time of starting. Each driver shall continue from start to finish, unless excused by the judges. If excused, another may be designated by the owner with approval of the judges.

2. Owners and their agents are forbidden to coach, pace, instruct, or convey information to contesting drivers after the start of any pull until its conclusion, but may communicate with the drivers between test pulls.

### BOYS' AND GIRLS' 4-H CLUB DEPARTMENT

1. All rules governing the operation of the Boys' and Girls' 4-H Club Department will be as submitted by the extension service of Iowa State University and printed in the premium list.

### F.F.A. DEPARTMENT

1. All rules governing the F.F.A. Department shall be as recommended by the division of vocational agriculture and printed in the premium list.

## STATE DEPARTMENT OF HEALTH

### RULES AND REGULATIONS FOR THE CONTROL OF COMMUNICABLE DISEASES

#### LIST OF REPORTABLE DISEASES

These diseases are required by rules and regulations of the state of Iowa to be reported:

Actinomycosis  
Anthrax  
Ascariasis  
Botulism  
Brucellosis (Undulant Fever)  
Chickenpox (Varicella)  
Cholera  
Coccidioidomycosis (Coccidioidal Granuloma, "Valley Fever")  
Conjunctivitis, Acute Infectious (Of the newborn, not including Trachoma)  
Dengue  
Diphtheria  
Dysentery, Amebic (amebiasis)  
Dysentery, Bacillary (Shigellosis)  
Encephalitis, Infectious (lethargic and non-lethargic)  
Favus  
Filariasis (Mumu)  
Food infections and poisonings  
German Measles (Rubella)  
Glanders  
Gonorrhea  
Hemorrhagic Jaundice (Icterohemorrhagic Spirochetosis, Weil's Disease)  
Hepatitis, Infectious (Acute Catarrhal Jaundice)  
Hookworm Disease (Ancylostomiasis)  
Impetigo Contagiosa  
Influenza  
Kerato Conjunctivitis, Infectious (Superficial Punctate Keratitis, Numular Keratitis)  
Leprosy  
Lymphogranuloma Venereum (inguinale) and Climatic Bubo  
Malaria  
Measles (Rubeola)  
Meningococcus Meningitis (Cerebrospinal Fever)  
Mumps (Infectious Parotitis)  
Paratyphoid Fever  
Pediculosis (Lousiness)  
Plague, Bubonic, Septicemic, Pneumonic  
Pneumonia, Acute Lobar  
Poliomyelitis  
Psittacosis  
Puerperal Infection (Puerperal Septicemia)  
Rabies  
Rat-Bite Fever (Sodoku)  
Relapsing Fever  
Rheumatic Fever  
Ringworm  
Rocky Mountain Spotted Fever

Scabies  
Scarlet Fever  
Schistosomiasis  
Septic Sore Throat  
Smallpox (Variola)  
Syphilis  
Tetanus  
Trachoma  
Trichinosis  
Tuberculosis, other than Pulmonary  
Tuberculosis, Pulmonary  
Tularemia  
Typhoid Fever  
Typhus Fever  
Whooping Cough (Pertussis)  
Yaws (Frambesia)  
Yellow Fever

**Sec. I. Local Board of Health. 1—Organization.** The local board of health shall consist:

a. In cities and towns, of the mayor, health physician and members of the city or town council.

b. In townships or counties, of members of the board of township trustees or of the county board of health.

2—*Minimum Requirements.* It is hereby declared by the Iowa state department of health that these rules and regulations are to be the minimum requirements for the safeguarding of the public health within this state. Health officials have no discretionary powers to lessen these requirements but may increase them to fit attendant circumstances.

3—*Power to Make Additional Rules.* Local boards of health are authorized and empowered by law to make such additions, provided they are not in conflict with these rules and regulations and are not contrary to the best public health practice.

4—*Reports Required.* Every physician and the parents, guardian, school teacher or householder where a case of communicable or reportable disease exists, should report the case.

5—*Health Officer to Examine.* The local boards of health upon receiving a report of a communicable disease from a person who is not a licensed physician should give an order to the local health officer to visit and examine the case reported. The health officer should examine the person suspected of having the disease and make a report to the local board of health with his recommendations.

6—*Investigation of Reports.* Whenever it is reported that a suspected case of reportable disease exists or that a person has reason to believe that a case exists, the local board of health shall have the report investigated by

its health officer and adequate means should be provided for the protection of the public.

7—*General Duties of Health Officer.* Section 2236, Code of 1931. The health officer shall be the executive officer of the local board in all matters pertaining to the public health, the control of communicable diseases, disposal of refuse and night soil, and the pollution of wells and other sources of water supply. He shall recommend to the local board the proper measures to be taken for the abatement of unhealthful conditions and for the preservation of the public health. He shall give attention to reports of cases of reportable diseases, impose and terminate isolation. He shall keep a record of cases reported to him (name, age, sex, address, birthplace, occupation, school or place of employment of the person reported to be ill, the name of the person making the report, the date of receipt by him of the report, the date of transmission of the report to the state department of health, the date of isolation, the date of release from isolation, the termination of the case and source of infection if known) in a book kept for the purpose. He shall forward reports of cases to the district health office in accordance with rules and regulations of the state department of health.

**Sec. II. Communicable Diseases.** A. List of Reportable Diseases (See preface).

1. *Acute Rheumatic Fever.* This disease, although not included among the communicable diseases hereinafter considered, is reportable in Iowa.

**Sec. III. Occupational or Industrial Diseases.** A. *Definition.* An occupational or industrial disease is any affliction which results from exposure to a harmful substance or condition in industry.

B. *Harmful Substances.* The harmful substances which make an industrial health hazard are classified as follows:

1. Dusts
2. Gases, vapors, fumes, mists
3. Solids and liquids
4. Infective materials

C. *Harmful Conditions.* The harmful conditions which make an industrial health hazard are classified as follows:

1. Excessive heat, cold, or moisture
2. Excessive light
3. Compressed air
4. Confined air
5. Confined positions (nerve and muscle strain and fatigue; the "occupational neuroses")
6. Eye and ear strain
7. Irritation of the skin

D. *List of Reportable Diseases.* The following occupational or industrial diseases are declared to be reportable:

1. Silicosis
2. Silicatosis

3. Poisoning by phosphorus or its compounds

4. Poisoning by cyanide or any of its compounds

5. Carbon monoxide poisoning

6. Poisoning by chlorine, ammonia, sulphur dioxide or any irritating gas

7. Poisoning by hydrogen sulphide or any other sulphide

8. Poisoning by benzol or nitro-, hydro-, hydrocy-, and amido- derivatives of benzene (dinitrobenzol, aniline, and others)

9. Poisoning by formaldehyde or its preparations

10. Poisoning from methyl chloride, carbon tetrachloride or any organic halide or solvent

11. Poisoning from volatile petroleum products (gasoline, benzine, naphtha, etc.)

12. Poisoning by wood alcohol

13. Chrome ulceration (nasal and skin)

14. Poisoning by sulphuric, hydrochloric or any other acid

15. Poisoning by nitrous fumes

16. Epithelioma (skin or eye) due to pitch, tar, bitumen, mineral oil, or paraffin, or any compound, product, or residue of any of these substances

17. Poisoning from lead, zinc or brass, cadmium, mercury, arsenic, manganese or any of their compounds

18. Radium poisoning or disability due to radioactive properties of substances or Roentgen rays (X-rays)

19. Metal fume fever (zinc fume fever, brass founders' ague, brass chills)

20. Conjunctivitis and retinitis due to electro- and oxyacetylene welding or other radiant energy

21. Tenosynovitis or bursitis

22. Dermatitis (infection or inflammation of the skin on contact surfaces due to oils, cutting compounds or lubricants, dust, liquids, solids, gases, vapors, or fumes)

**Sec. IV. Reporting.** A. *Method.* The method of reporting notifiable diseases is set forth in the accompanying diagram.

*Whole-time County Health Service.* When residence of a case is in a county that provides whole-time health service, all reports whether from urban or rural areas should reach the office of the county health service, where a permanent record is kept.

*City Clerk's Office or City Health Officer's Office.* When residence of the patient or family concerned is in a county seat or other city prepared to keep a record of communicable disease prevalence, physicians are requested to report cases to the office of the city clerk or of the city health officer, where a permanent record should be kept. Cases may be reported by telephone, by card or by personal communication.

Report cards, received or transcribed from the permanent record, are mailed daily to the

state department of health. These cards carry the franking privilege and require no postage.

*District Health Service.* All reports from towns and rural areas of counties comprising the district should be forwarded daily to the office of the district health service or to the state department of health.

*State Department of Health and the United States Public Health Service.* Weekly and monthly morbidity summaries are forwarded from the state department of health to the surgeon general of the United States public health service.

#### B. *Special Reports.*

##### 1. Tuberculosis, Occupational Disease.

a. Cases of tuberculosis should be reported by name and not by initials only.

b. For reporting tuberculosis and occupational disease, special cards or forms are obtainable from the state department of health, district and county health offices, which are to be filled out and submitted directly to the department.

2. Venereal Diseases. Promptly after the first examination or treatment of any person with syphilis, gonorrhoea or other venereal disease, the attending physician should mail to the State Department of Health a report giving initials or name and date of birth of the patient, age, sex, color, marital condition, occupation, name of the disease, probable source of infection and duration of the disease.

3. Epidemic Diseases. Outbreaks or cases and suspected cases of typhoid fever, undulant fever, bacillary dysentery, meningococcus meningitis, pneumonia, Rocky Mountain spotted fever, septic sore throat, gastro-enteritis, typhus fever, Weil's disease may be reported to district and county health services or directly to the state department of health.

##### 4. Who Should Report.

a. Chief responsibility for reporting rests upon physicians and health officers.

b. In the absence of an attending physician, nurses should report to the health officer such case or cases as come under their observation.

c. In the absence of an attending physician, any superintendent, teacher, parent or other person should report to the health officer such case or suspected case of which he has knowledge.

5. Printed Report Cards and Forms. Printed cards and forms for reporting of communicable and occupational diseases are obtainable from district, county and city health offices and from the state department of health.

**Sec. V. Isolation.** A. *Communicable Disease Control a Co-operative Matter.* The control of communicable disease can be accomplished only insofar as people generally co-operate whole-heartedly in abiding by the restrictive rules. The latter should not be regarded so much as laws, but as detailed instructions whereby one can practice the Golden Rule in matters of this kind.

B. *The Breadwinner.* The breadwinner may be allowed to live in the house and attend to his work when the health officer is satisfied of the following conditions:

1. That the patient can be isolated so that the breadwinner need not and does not come in contact with him.

2. That the breadwinner in the course of his occupation does not handle food including milk, designed for public consumption.

3. That the breadwinner does not come in contact with groups of children.

4. That the breadwinner if the disease be smallpox, gives assurance of existing immunity by evidence of successful vaccination or revaccination within seven years, or as the result of a known, previous attack of the disease.

5. That the breadwinner, if the disease be diphtheria or scarlet fever, give evidence of immunity and of freedom from being a carrier of the germs of these diseases.

C. *Moving a Person Under Isolation.* Inasmuch as the restrictions placed about a communicable disease are imposed by authority of the state department of health and local boards of health, the removal of a patient from one place to another requires the prior approval of these bodies.

1. If such removals are within a single health jurisdiction, only the permit of the local health officer is required.

2. If transfer to another health jurisdiction within the state is desired, there must be secured:

a. The permit of the local health officer where the case now is.

b. The permit of the local health officer to whose jurisdiction the transfer is proposed.

c. The permit of the state commissioner of health to effect the transfer.

3. If the transfer is to another state, the three permits mentioned are required for Iowa, and the latter two from the state concerned.

D. *On a Dairy Farm.* As long as there is a case of typhoid fever, dysentery (amebic or bacillary), scarlet fever, septic sore throat or similar disease on a dairy farm, no dairy products of any kind may be sold except with the written approval of the state department of health or its representative in the district or county health office. Approval for the retail sale or delivery of raw dairy products will not be granted except under the following conditions:

1. That the person handling the dairy products has not been in contact with the case within the period of incubation of the disease concerned.

2. That the milk utensils do not go into the house under isolation, nor into any shed, kitchen or other similar structure attached to such house.

3. That the milk utensils can be sterilized in a building separate from the house that is under isolation.

The dairy products may be handled by some person known not to have been exposed to the disease for which the premises are under isolation.

When the health officer is satisfied that the condition will be as stated above, he should report the fact to the district or county health office or to the state department of health with a request for approval for the sale of dairy products from the isolated area. The name of the owner and location of the dairy should be given in the health officer's letter. Upon receipt of the approval, the health officer may give permission for the sale of dairy products from the area under isolation.

*E. Isolation of Patient and Contacts With Infectious Hepatitis.* The isolation period of a patient with infectious hepatitis is extended to cover the period of clinical illness.

If gamma globulin or an equally effective prophylactic treatment is available, teachers, food handlers and others in close contact with the case shall receive same before returning to work or school.

*F. Isolation of Patient With Ringworm of Scalp.* A child with ringworm of the scalp may remain in school provided that he is under medical care and that all the hair is covered by a suitable covering.

*G. Regulations Regarding Contacts of Scarlet Fever and Beta Hemolytic Streptococcus Infections.* Contacts of a case of beta hemolytic streptococcus infections may return to school or work as food handlers, etc., forty-eight hours after receiving a prophylactic dose of penicillin.

[Filed September 22, 1954]

**Sec. VI. Placards.** Sample placards, cards and literature for use when homes or premises are isolated for certain communicable diseases, are available on request from the office of the district or county health services concerned, or from the state department of health.

**Sec. VII. Disinfection. A. Concurrent Disinfection.**

1. Discharges from infected eyes, ears, nose, throat and skin lesions may be collected on sterile cotton, gauze or paper and burned.

2. Bed and body linen should, when soiled, be placed in a container, with water containing a weak solution of a disinfectant such as lysol (about four ounces to a gallon of water). Soiled linen should be further treated by boiling, after which it may be washed with other laundry.

3. Fingers of the attendant should be kept away from the mouth while caring for the patient. Frequent washing of hands is indicated.

4. Special precautions need to be exercised in the care of patients with typhoid fever, paratyphoid fever and dysentery.

*B. Terminal Disinfection.* When careful attention is given to the patient during the course of illness (concurrent disinfection), need for terminal disinfection is lessened greatly.

1. Floors, woodwork, furniture and other articles in the room occupied by the patient may be disinfected with use of soap and water, fresh air or sunlight.

**Sec. VIII. Quarantine.** Any person ill with tuberculosis who neglects or refuses to obey the restrictions imposed by the state department of health or local health officers in matters relating to the protection of others from said disease shall be placed under isolation and quarantine in suitable quarters and shall not leave such quarters until danger of infection to others no longer exists.

In all other cases of infectious tuberculosis the respective boards of health or health officers shall enforce isolation and quarantine of infectious tuberculosis patients as circumstances may require to protect the health of others.

A quarantine sign shall be posted at the entrance of the quarters or building where such patient is under isolation and quarantine.

Quarantine signs shall be in the following form:

QUARANTINE  
TUBERCULOSIS  
EXISTS ON THESE PREMISES

.....  
Health Officer  
[Amendment filed December 6, 1957]

**Sec. IX. Poliomyelitis.** It may be noted in the article under poliomyelitis no quarantine is recommended, however, the Iowa state law requires that a case of poliomyelitis be quarantined for fourteen days from onset, and that family contacts be quarantined for fourteen days dating from date of last contact with the infectious case.

**Sec. X. Fumigation.** Fumigation with gaseous disinfectants, following infectious diseases, is neither required nor recommended. Fumigation with vapors such as formaldehyde and sulphur has long been regarded as useless by health authorities. Experiments have shown that these gases in larger amounts destroy insects and animals but not bacteria.

**Sec. XI. Funerals.** Communicable diseases such as diphtheria, scarlet fever and meningitis are regarded as being spread from person to person through transfer of the causative germ (through speech, coughing, sneezing) from the throat of the living, infected individual (patient or carrier) to others who are susceptible.

It is improbable that a dead body plays any part in transmitting disease to people in the same room or building. A possible exception to the foregoing statement might be the body of a patient who had died of smallpox in the severe form; the hazard of exposure in such instance would be limited to the embalmer or person who actually handled the body and who was not known to be immune through successful vaccination and revaccination.

Regulations with reference to funerals are as follows:

Recommendations and regulations pertaining to funerals when death is attributed to communicable diseases including diphtheria, encephalitis, meningococcus meningitis (cerebrospinal fever), poliomyelitis (infantile paralysis), scarlet fever and smallpox, are as follows:

1. In consideration of the fact that a dead body ordinarily plays no part in the spread of infection or of communicable disease, a hermetically sealed casket should not be required.

2. Persons who have been in the isolated area may be released from isolation for the purpose of accompanying the body to a funeral home, church or cemetery, provided that they:

a. Use a separate car or means of conveyance;

b. Remain in separate room or separate from the public and avoid nearness to others in attendance;

c. Return to the area of isolation and remain there until premises are released from isolation.

3. When death is caused by meningitis of above-mentioned type, scarlet fever, diphtheria, poliomyelitis, or smallpox, the casket should remain closed when service is held indoors.

a. Special arrangements may be made for members and relatives of the immediate family to view the remains prior to the funeral service.

**Sec. XII. Closing of Schools.** On the outbreak of an epidemic, there is often a popular demand that the schools be closed. This is based upon the belief that infection may spread among the children in attendance. It is noteworthy, however, that health authorities and the rules and regulations of state departments of health in general omit any recommendations that schools be closed. The reasons for this are:

(1) Children in schools are under more careful disciplinary control than they are in their homes. With effective supervision by the health officer and with the aid of a trained and experienced community nurse, in co-operation with school officials and the pupils themselves, the children are safer at school than outside.

(2) Closure of schools is futile, unless all susceptible children are forbidden to leave their own yards. Permitting them to roam the streets, to attend the moving picture theatres, churches, social gatherings, or to indulge in unsupervised group play, may be much more dangerous from the standpoint of interchanging infection, than if they were under the discipline of the school room.

(3) Past experience has shown that the mere closing of the schools has had little or no effect upon the progress of epidemic diseases. Unless, therefore, a community is prepared to declare a complete and rigid embargo upon all susceptible children of school age, isolating them universally to the limits of their own

yards and absolutely forbidding them to play with children of other families, the schools, ordinarily, should not be closed.

(4) School boards, parent-teacher groups and other sponsoring agencies should concentrate on such efforts, year by year, as will assure immunity of children against diphtheria, smallpox and other infectious diseases for which specific preventive measures are available.

Parents are urged to confer with the attending physician and to have children immunized against preventable diseases, early in life.

**Sec. XIII. Carriers.** Carriers may be those developing the disease (incubatory carriers), those who are convalescent from the disease (convalescent carriers) or those who discharge germs for years or throughout life (chronic carriers). They also may be contact carriers, resulting from direct contact with infection.

Any person who has been determined to be a carrier of the germs of amebic dysentery, bacillary dysentery, typhoid fever or paratyphoid fever shall be subject to the special supervision of the state department of health. Every physician and health officer should report such carriers to the state department of health immediately upon their discovery.

#### RECOGNITION OF TYPHOID CARRIERS

It is estimated that at least two percent of those who recover from an attack of typhoid fever become chronic carriers and continue to discharge typhoid organisms in the bowel (or bladder) discharges throughout the remainder of life.

The most opportune time to discover a typhoid carrier is during and immediately following the period of convalescence. These rules and regulations require that every typhoid fever patient show evidence of freedom from a bacillus carrier state, before being released.

Two specimens of the bowel discharges and of the urine, secured at an interval of not less than twenty-four hours and preferably one week, should be collected in feces and urine containers and forwarded promptly to the state hygienic laboratory. Care should be taken that not larger than a pea-sized portion of fecal matter be transferred to the bottle which contains a thirty percent solution of glycerine. (When not in use, feces and urine containers should be kept under constant refrigeration.)

Should typhoid bacilli persist in the bowel (or bladder) discharges, additional specimens should be forwarded to the laboratory at intervals of one to two months. An individual who continues to show the presence of typhoid organisms in the bodily discharges a year after recovery from typhoid fever, is classed as a chronic typhoid carrier.

Typhoid carriers are the chief source of infection in connection with active (sporadic or multiple) cases of typhoid fever. Specimens from suspected carriers should be obtained in the same manner as for release following recovery.

Information relative to a typhoid carrier is regarded as confidential.

*Books.* The danger of infection from books has been exaggerated. Books which have not been handled by a person ill with a communicable disease need not be suspected. Books actually handled by a patient with diphtheria, scarlet fever, or any disease of like nature may be treated as follows:

1. Books in a grossly soiled condition should be burned.

2. Books not obviously soiled may be kept out of circulation for three weeks. They should be identified in such a manner that they will not become mixed with other books. Exposure to sunlight and diffuse daylight, with books open and upright will aid in killing germs.

A typhoid carrier may return to work after two successive negative stools and urine specimens taken not less than twenty-four hours

apart and not less than fourteen days following cessation of antibiotic therapy.

[Filed September 22, 1954]

**Sec. XIV. Approved Premarital and Prenatal Blood Testing Laboratories as Authorized by Section 140.3 of the 1954 Code of Iowa.**

The Iowa state board of health also approves the following laboratories for the purpose of performing serologic tests for syphilis in accordance with premarital requirements: Laboratories of all state and territorial health departments; laboratories of the United States public health service; Army, Navy, Marine Corps, the health department laboratories of New York City and the District of Columbia. Blood tests are to be accepted from the central laboratories of the provinces of Canada and premarital certificates may be signed by licensed physicians of Canada.

[Filed September 22, 1954]

NO.	NAME OF LABORATORY	ADDRESS OF LABORATORY	PERSON IN CHARGE	TESTS APPROVED
<i>Cedar Rapids—Linn County</i>				
1	Mercy Hospital Laboratory	835 6th Avenue S.E.	R. E. Weland, M.D.	Kline—V.D.R.L.
2	St. Luke's Hospital Laboratory	1026 "A" Avenue N.E.	Francis C. Tucker, M.D.	Kline—V.D.R.L.
<i>Charles City—Floyd County</i>				
31	Cedar Valley Hospital	1700 E. Clark	Emmet V. Ayers, M.D.	V.D.R.L.
<i>Council Bluffs—Pottawattamie County</i>				
3	Council Bluffs Clinic Laboratory	532 First Avenue	Sydney A. Cohen, M.D.	Kline—V.D.R.L.
4	Mercy Hospital Laboratory	420 E. Washington Avenue	A. S. Rubnitz, M.D.	Mazzini—V.D.R.L.
<i>Des Moines—Polk County</i>				
5	The Anna T. A. Glomset Laboratory	2932 Ingersoll	D. A. Glomset, M.D.	V.D.R.L.
6	U. S. Veterans Hospital Laboratory	30th and Euclid	T. E. Corcoran, M.D.	V.D.R.L.
7	Mercy Hospital Laboratory	5th and Ascension	F. C. Coleman, M.D.	Kline—V.D.R.L.
8	The Medical Laboratory	310 Bankers Trust Building	R. F. Birge, M.D.	Kline—V.D.R.L.
27	Iowa Lutheran Hospital Laboratory	716 Parnell	Julius S. Weingart, M.D.	V.D.R.L.
28	Iowa Methodist Hospital Laboratory	1200 Plesasant	Robert C. Dunn, M.D.	V.D.R.L.
<i>Dubuque—Dubuque County</i>				
9	Laboratory of Medical Associates	1200 Main Street	Wayne A. Johnston, M.D.	Kline—V.D.R.L.
10	Finley Hospital Laboratory	Allison Place	E. T. Thorsness, M.D.	Kline—V.D.R.L.
<i>Fort Dodge—Webster County</i>				
11	Lutheran Hospital Laboratory	Lutheran Hill	Charles J. Baker, M.D.	Mazzini, Kahn—V.D.R.L.
12	St. Joseph's Mercy Hospital Laboratory	723 South 17th Street	Herbert Kersten, M.D.	V.D.R.L.



*Iowa City—Johnson County*

13	State Hygienic Laboratory	Medical Laboratories Building	I. H. Borts, M.D.	
25	U. S. Veterans Hospital Laboratory	Iowa City	Kenneth Cross, M.D.	V.D.R.L.
30	Mercy Hospital Laboratory	Iowa City	E. J. Boyd, M.D.	V.D.R.L.

*Mason City—Cerro Gordo County*

14	Laboratory of Harold N. Morgan	12 Brick & Tile Building	Harold M. Morgan, M.D.	Kline—V.D.R.L.
15	Laboratory of Park Hospital	102 N. Washington Avenue	L. R. Woodward, M.D.	Kline—V.D.R.L.
16	St. Joseph's Mercy Hospital	180 Beaumont Drive	George T. Joyce, M.D.	V.D.R.L.—Mazzini

*Oskaloosa—Mahaska County*

17	Mahaska County Hospital Laboratory	1229 C. Avenue, East	C. R. Phelps, M.D.	Kline—V.D.R.L.
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*Ottumwa—Wapello County*

18	Physician's Clinical Laboratories	211 E. Second Street	C. R. Phelps, M.D.	Kline—V.D.R.L.
26	Ottumwa Hospital Laboratory	1001 E. Pennsylvania	C. R. Phelps, M.D.	Kline—V.D.R.L.

*Sioux City—Woodbury County*

19	St. Joseph's Mercy Hospital	2101 Court Street	Arne Knutsen, M.D.	Kolmer, Kline—V.D.R.L.
20	Sioux City Laboratory	City Hall—6th & Douglas	C. P. McHugh, M.D.	Kolmer, Kline—V.D.R.L.
21	Methodist Hospital Laboratory	29th and Douglas	A. C. Starry, M.D.	Kahn, Kolmer, Kline—V.D.R.L.
22	Lutheran Hospital Laboratory	2714 Pierce Street	A. C. Starry, M.D.	Kline—V.D.R.L.
23	St. Vincent's Hospital Laboratory	624 Jones	A. C. Starry, M.D.	Kahn, Kolmer, Kline—V.D.R.L.

*Waterloo—Black Hawk County*

29	Black Hawk Co. Red Cross Blood Center	Waterloo	V. I. Sciscent, M.D.	Kahn
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*Omaha, Nebraska*

24	Omaha Regional Blood Center	2549 Farnam Street	George L. Clark, M.D.	Kline—V.D.R.L.
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**Sec. XV. Treatment of Infant Eyes.**

As authorized by section 140.36 of the 1954 Code of Iowa, the Iowa state department of health approves the following ophthalmia prophylactic solution for newborn infants' eyes:

1. One percent silver nitrate from unopened wax ampules in each conjunctival sac followed by normal saline flush or

2. Penicillin ointment in the strength of not less than 100,000 units per gram or

3. Erythromycin of not less than five milligrams per gram of ointment.

The Iowa state department of health may give written approval to other ophthalmia prophylactic solutions or ointments upon receipt of a written request accompanied by adequate evidence concerning the effectiveness of the solution or ointment.

This rule is intended to implement section 140.36, Code 1962.  
[Filed September 22, 1954; amended July 13, 1965]

**Sec. XVI. Reporting of Maternal Deaths.**

All maternal deaths shall be reported to the division of maternal and child health of the state department of health within forty-eight hours.

A maternal death is any death occurring while a woman is pregnant or any death of a woman within six months of delivery. This includes deaths resulting from abortions, ectopic pregnancies and all deaths during pregnancy, childbirth, puerperium or deaths from complications of childbirth.

[Filed September 22, 1954]

**SUMMARY OF RULES PERTAINING TO THE INCUBATION PERIOD**  
 Period of Communicability, Period of Isolation (a), Placarding and Quarantine (b)  
 of Eleven Common Communicable Diseases

DISEASE	Incubation Period	Period of Communicability	Isolation (a) Period for Patient	Placarding of Homes	Quarantine (b) of Home Contacts
DIPHTHERIA	2 to 5 days	Usually 2 weeks	Minimum 16 days from onset and until 2 negative cultures	Yes until released from isolation	Children and adults (food handlers, teachers) during isolation may live elsewhere, with release after negative culture
MEASLES	10 days, from exposure to onset 13-15 days, from exposure to rash	Minimum 9 days, from 4 days before, to 5 days after rash	Minimum 5 days after appearance of rash	Yes for isolation period; may institute by mail	Exclusion of susceptible children and teachers from public, for 14 days from last exposure, when practicable
MENINGITIS (Meningococcus)	2 to 10 days	During course of disease and until causative germ is absent	Minimum 14 days from onset	Yes until the 14th day after onset	None—Exclude children and teachers from public during isolation, or until 10 days after segregation from case
POLIOMYELITIS	7 to 14 days	Shortly before onset and during first week or two of the disease	Minimum 14 days from onset of prodromal symptoms	Yes until the 14th day after onset	Children, teachers, food handlers. Exclude from public until 14 days after last exposure
SCARLET FEVER	2 to 7 days	Usually until 2 weeks from onset	Minimum 14 days from onset	Yes until the 14th day after onset	Exclusion of children, food handlers, teachers from public until 7 days after last exposure
SMALLPOX	8 to 16 (21) days	From onset to disappearance of scabs	Minimum 14 days from onset	Yes until the 14th day after onset	Vaccinate all contacts within 24 hours after first exposure and observe; otherwise isolate 16 days
TYPHOID FEVER	3 to 38 days, usually 7 to 14 days	From prodromal symptoms until release specimens are free from E. typhi	Until 2 successive stool specimens prove negative	Yes while communicable	None, but urge prompt immunization of susceptible contacts
WHOOPING COUGH	7 to 16 days	From early catarrhal period and until 3 weeks after onset of spasmodic cough or "whoop"	Minimum 21 days from onset of "whoop"	Yes until 21st day of "whoop"; may institute by mail	Exclusion of nonimmune children from public for 14 days after last exposure
CHICKENPOX	14 to 21 days	From 6 to 10 days after onset	Minimum 10 days from onset	Yes when practicable; may institute by mail	None—but rule out smallpox
MUMPS	12 to 26 days	From 1 to 3 days before onset, until swelling has gone	Until swelling is gone	Yes when practicable; may institute by mail	None
GERMAN MEASLES	14 to 21 days	From 4 to 7 days after catarrhal symptoms	Minimum 5 days	No	None

(a)—"Isolation" describes the limitation put upon the movement of the known sick or "carrier" individual.

(b)—"Quarantine" describes the limitation put upon exposed or "contact" individuals in the household.

HOSPITALS AND  
RELATED INSTITUTIONS

OFFICIAL NOTICE

The rules and regulations governing the licensing of hospitals have been prepared and promulgated by the Iowa state department of health, together with the hospital licensing board, in accordance with the provisions of chapter 91, Acts of the 52nd General Assembly. [Ch. 135B, C., '50] The hospital licensing board approved these rules and regulations as of June 30, 1948, which are applicable to all hospitals in the state of Iowa, as defined in the Act.

CONTENTS

	Regulation
Anesthesia Storage .....	14
Building Design, Equipment and Maintenance .....	8
Building Plans and Specifications .....	7
Classification of Hospitals and Compliance with Regulations .....	2
General Hospital .....	
Specialized Hospital or Sanatorium .....	
Contagious Disease Hospital .....	34
Control of Infection .....	23
Control of infectious, contagious and communicable diseases .....	
Segregation and isolation of patients .....	
Visiting hours .....	
Definitions .....	
Hospital .....	1
Medical Staff .....	
Registered Nurse .....	
Dietary Department of Hospital .....	20
Dietitian .....	
Dietary departments not supervised by trained dietitian .....	
Food provided patients and employees .....	
Emergency and Out-patient Services .....	28
Fire Prevention .....	24
Food Service .....	19
Floors .....	
Walls and ceilings .....	
Doors and windows .....	
Lighting .....	
Ventilation .....	
Toilet facilities .....	
Water supply .....	
Lavatory facilities .....	
Construction of utensils and equipment .....	
Cleaning and bactericidal treatment of equipment and utensils .....	
Storage and handling of utensils and equipment .....	
Disposal of wastes .....	
Refrigeration .....	
Wholesomeness of food and beverage .....	
Storage and serving of food and beverage .....	
Miscellaneous .....	
Ice .....	
Milk and milk products .....	
Food-handling employees—health certificates .....	
Disposal of waste .....	
Governing Board .....	4

	Regulation
Hand-washing facilities .....	18
Heating and ventilation .....	9
Incineration .....	16
Laboratory Service .....	27
Laundry .....	17
Licensing .....	3
Separate license required .....	
License not required .....	
Posting of license .....	
Medical Staff .....	4
Medicines .....	22
Storage and labeling .....	
Narcotics—storage and labeling .....	
Refrigeration of biologicals, etc. ....	
Nervous and Mental Disease Hospital .....	33
Nursing Staff .....	4
Responsibility and function of staff .....	
Registration in Iowa .....	
Superintendent or director of nursing service .....	
Supervisors and head nurses .....	
Application for employment .....	
Nonprofessional workers .....	
Nursing care of the patient .....	
Personnel policies .....	
Registered nurse on duty .....	
Obstetric Service .....	30
Location and arrangement of obstetric and newborn services .....	
Labor and delivery room facilities .....	
Newborn nursery, suspect nursery, and provision for isolation .....	
Labor and delivery room services .....	
Care of the newborn .....	
Formulary .....	
Reporting of children born out of wedlock .....	
Patient Care Facilities .....	21
Beds .....	
Bedside furniture .....	
Linen .....	
Individual equipment .....	
Hot-water bags .....	
Restraints .....	
Signals .....	
Unit separation .....	
Storage of personal belongings .....	
Pediatric Services .....	31
Penalty and Enforcement .....	35
Pharmacy .....	25
Plumbing .....	12
Radiology .....	26
Records .....	5
Medical records .....	
Admission records .....	
Death records .....	
Birth records .....	
Narcotic records .....	
Reports to State Department of Health .....	6
Annual reports .....	
Communicable disease reports .....	
Screens for windows .....	15
Sewage disposal .....	11
Sterilizing equipment .....	13
Surgical departments and divisions .....	29
Surgery, location, equipment, instruments and personnel .....	
Surgical beds and wards .....	
Pathology examination service .....	

## Surgical Departments—Cont'd

Tuberculosis Hospitals .....	32
Validity of Rules and Regulations .....	36
Visiting and visiting hours .....	23
Water supply .....	10

**Regulation 1**

## A. Definitions as used in these regulations:

1. *Hospital*: A hospital shall mean a place which is devoted primarily to the maintenance and operation of facilities for the diagnosis, treatment, or care over a period exceeding twenty-four hours of two or more non-related individuals suffering from illness, injury, or deformity, or a place which is devoted primarily to the rendering over a period exceeding twenty-four hours of obstetrical or other medical or nursing care for two or more nonrelated individuals, or any institution, place, building or agency in which any accommodation is primarily maintained, furnished, or offered for the care over a period exceeding twenty-four hours of two or more nonrelated aged or infirm persons requiring or receiving chronic or convalescent care and shall include sanatoriums, rest homes, nursing homes, boarding homes, or other related institutions within the meaning of this Act. Provided, however, nothing in this Act shall apply to hotels or other similar places that furnish only food and lodging, or either, to their guests. "Hospital" shall include, in any event, any facilities wholly or partially constructed or to be constructed with federal financial assistance pursuant to Public Law 725-79th Congress, approved August 13, 1946.

2. *Medical staff*: The medical staff of a hospital shall be defined as an organized body composed of all licensed physicians who are appointed to the staff of a hospital by its governing board.

3. *Registered nurse*: A registered nurse shall be a person from an accredited school of nursing and registered in the state of Iowa.

**Regulation 2**

## A. Classification of hospitals and compliance with regulations:

1. *Classification*: For the purpose of administering the hospital licensing law, all institutions subject to licensure shall be classified in the following manner:

a. *General hospital*: Any institution providing hospital care, including general medical, surgical, or maternity care and treatment.

b. *Specialized hospital or sanatorium*: Any institution providing specialized care and treatment, e.g., tuberculosis, pediatrics, mental diseases, orthopedics, etc.

2. *Compliance requirements for each classification*:

a. *General hospitals*: Any hospital classified as a general hospital shall comply with all of the general regulations for hospitals, and they shall comply with regulations pertaining to specialized services, insofar as such specialized services are provided in the hospital.

b. *Specialized hospitals and sanatoriums*: Specialized hospitals and sanatoriums shall comply with all general regulations for hospitals and all regulations pertaining to such specialized services as are provided by the hospital, sanatorium, or institution.

**Regulation 3**

## A. License:

1. *Separate license required*: Separate license shall be required for each hospital even though more than one is operated under the same management. Separate license is not required for separate buildings on the same grounds.

2. *License not required*: The following are not deemed to come within the meaning of the hospital licensing law and shall not be required to obtain a license thereunder:

a. Any institution for well children, day nursery and child care center, foster boarding homes or houses and homes for handicapped children. However, such institutions as have a dual function, including nursing and medical care, and care of the sick are required to be licensed.

b. Homes, houses, or institutions for aged persons which limit their functions to board and room and provide no medical or nursing care and house no bed-ridden persons.

c. Dispensary or first-aid stations maintained for the care of employees, students, customers, members of any commercial or industrial plant, educational institution or convent.

3. *Posting of license*: The license shall be conspicuously posted on the premises.

GENERAL REGULATIONS FOR  
THE ADMINISTRATION OF HOSPITALS**Regulation 4**

## A. Governing board:

1. The governing board, or the owner, or the person or persons designated by the owner as the governing authority shall be the supreme authority in the hospital, responsible for the management, control, and appointment of the medical staff and functioning of the institution subject to the laws of the state of Iowa. The governing board shall appoint a medical staff which shall consist of one or more licensed physicians who shall be responsible to the governing authority for the clinical and scientific work of the hospital.

## B. Medical staff:

1. A roster of medical staff members shall be kept, and a copy of said roster shall be reported annually to the state department of health.

2. All hospitals shall have one or more licensed physicians designated for emergency call service at all times.

## C. Nursing staff:

1. The department of nursing shall be organized to provide complete and efficient nursing care to each patient, and the authority, responsibility and function of each nurse shall be clearly defined.

2. All nurses employed in a hospital who practice nursing as a graduate or registered nurse shall be legally licensed in Iowa to practice their profession, or shall obtain such license at the next examination.

3. There shall be a superintendent or director of nursing service who shall be a competent well-trained person with administrative and executive ability, and shall be a graduate nurse and registered in the state of Iowa, or shall obtain such license at the next examination or by reciprocity.

4. Supervisors and head nurses shall have had preparation courses and experience commensurate with the responsibility of the specific assignment.

5. Applications for employment as a registered nurse shall be submitted, in writing, to the person responsible for nursing personnel, and each application shall contain accurate information as to the education, training, experience, personal background of each applicant. A complete physical examination, including indicated X-ray and laboratory examinations, shall be required at the time of employment and at regular intervals thereafter.

6. All nonprofessional workers performing patient-care service shall be under the supervision of a registered nurse. Their duties shall be defined and they shall be instructed in all duties assigned to them. At the time of employment, a complete physical examination, including X-ray of chest and laboratory examinations, shall be required, and at regular intervals thereafter.

7. Nursing care shall be that amount of professional and nonprofessional care essential to provide proper treatment for the well-being and the recovery of the patient.

8. Policies, procedures, rules, and regulations with which each employee shall be familiar shall be established for the administrative and technical guidance of the personnel of the hospital.

9. Personnel absent from duty because of any disease in a communicable stage shall be excluded from duty in the hospital until examined by a physician designated for that purpose.

10. There shall be at least one registered nurse on duty or on call at all times.

#### Regulation 5

##### A. Records:

1. *Medical records:* Accurate and complete medical records shall be written for all patients and signed by the attending physician; these shall be filed and stored in an accessible manner in the hospital and in accordance with the statute of limitations.

##### 2. *Hospital records:*

a. *Admission records:* A register of all admissions to the hospital shall be kept in accordance with Iowa law, sections 144.22, 144.23 and 144.24.

b. *Death records:* A register of all deaths in the hospital shall be kept, including all information required on a standard certificate.

c. *Birth records:* A register of all births in the hospital shall be kept, including all information required on a standard certificate.

d. *Narcotic records:* Narcotic records shall be maintained in accordance with the laws and regulations pertaining thereto.

#### Regulation 6

A. Reports to the state department of health:

1. *Annual reports:* Annual report shall be filed with the state department of health within three months after termination of each fiscal year on forms furnished by same. The reports shall include: Total number of admissions during year, total number discharged during year, total number of deaths during year, bed capacity, average percentage of bed occupancy, total patient days, average length of stay, number of major operations, number of minor operations, number of autopsies, complete maternity statistics as required by the state department of health, and a report of any changes in the physical plant within the past year.

2. *Communicable disease report:* The hospital or institution shall co-operate with the attending physician in the reporting of all reportable diseases occurring or being treated within the hospital or institution to the proper authorities, as provided by the laws of Iowa and the rules and regulations of the Iowa state department of health.

#### BUILDING AND CONSTRUCTION

#### Regulation 7

A. Plans and specifications for new hospital construction:

1. Hospitals shall be licensed by the state department of health, when the following requirements have been fulfilled:

a. In locating an institution, the local zoning restrictions shall be obtained from the local civil authorities.

b. New hospitals shall be so located that they are free from undue noises from railroads, freight yards, main traffic arteries, schools and children's playgrounds.

c. The site shall be free from smoke, foul odors, and dust from nearby industrial plants.

d. Hospitals must be served by good roads, kept passable at all times of the year.

2. When construction is contemplated, either for new buildings, additions to existing buildings or material alterations to existing buildings, the preliminary plan or sketch shall be submitted in duplicate to the state department of health for review and approval, preferably before the preparation of working drawings in accordance with chapter 91, Acts of the 52nd General Assembly [Ch. 135B, C., '50].

a. Complete construction plans and specifications for the building or remodeling hereafter shall be submitted to the state department of health in triplicate for review and approval before construction begins, and shall be in accordance with all the applicable laws,

rules and regulations and local municipal codes in accordance with chapter 91, Acts of the 52nd General Assembly [Ch. 135B, C., '50].

b. Plans and specifications for any new hospital additions to an existing hospital, or structural change of an existing hospital, shall show that every consideration has been given to features of design that are necessary to insure efficient care of the patient and protection of patients from any material or human source of infection, such as the segregation of various hospital departments, the room arrangements in these departments, and the sanitary features of the heating, lighting, ventilating, and plumbing facilities.

c. The plans and specifications for the design and construction of a new hospital, or addition to an existing hospital, or major structural change in an existing hospital, shall be in accordance with all the applicable laws, rules and regulations and local municipal codes; the sanitary facilities, including the system of water supply, plumbing, sewerage, garbage, refuse disposal, and equipment shall be selected, constructed, and installed in accordance with existing laws and regulations pertaining to environmental sanitation; and features of design and arrangement shall be in substantial accordance with recognized standards for hospitals.

d. Plans and revisions shall be certified by an engineer or architect licensed to practice in the state of Iowa or eligible for licensure in Iowa.

### Regulation 8

A. Design, equipment, and maintenance of the physical plant:

1. The hospital structure and its component parts and facilities shall be kept in good repair and maintained with consideration for the safety and comfort of the patient.

2. Walls, floors, and ceilings shall be constructed of materials and maintained to permit frequent cleaning or disinfection necessary for the safe care of patients.

3. Beds must be spaced so as to provide adequate room for nursing procedures and to prevent the transmission of infection. The following allowances of floor space are minimum:

Single patient rooms—100 sq. ft.

Multiple rooms or wards—80 sq. ft. per bed

Pediatric beds or cribs—40 sq. ft. per bed

Full term nursing bassinets—20 sq. ft. per bassinets

4. Doors to patients' rooms shall be wide enough to permit the removal of any occupied bed used in the rooms. Where it is not practical to widen the corridors and the doors of the individual rooms, the state fire marshal may accept in lieu thereof, mattresses which have been equipped with two straps on each side and one on each end. These straps, which are to be used as hand grips, shall be substantially fastened to the mattress and of sufficient strength so that the patients may be easily removed from the beds and transported to the outside.

5. Vision panels shall be required in all double acting doors.

6. Each patient's room shall have at least one window opening to the outside to permit ventilation and a source of natural light.

7. No room shall be used for the bed care of patients which can only be reached by passing through another patient's room.

8. There shall be space and facilities for the proper storage of all drugs, supplies, linen, and equipment.

9. Every room, including storerooms, hallways, and others, shall have sufficient artificial light to make all parts clearly visible and to permit efficient performance of all necessary work.

10. All utility rooms shall be provided with lighting and ventilation and necessary plumbing.

11. Safe emergency lighting facilities shall be provided and distributed, so as to be readily available to personnel on duty at all times.

12. An adequate number of stairways shall be provided with handrails and shall be of size and design permitting the removal of patients on a stretcher.

13. There shall be more than one means of egress leading to the outside of the building from each floor. Egresses are to be located as near to opposite ends of the building as practical.

## ENVIRONMENTAL SANITATION

### Regulation 9

A. Heating and ventilating:

1. The heating plant shall be adequate to maintain a cold weather temperature of seventy degrees F. throughout the building and a higher temperature where required.

2. Kitchens, bathrooms, and service rooms shall be so located and ventilated by window or mechanical means to prevent offensive odors from entering patients' rooms and the public halls.

### Regulation 10

A. Water supply:

1. The water shall be obtained from a municipal water supply or from a private supply system, the location, construction, and operation of which is acceptable to the state department of health.

2. The water shall be distributed to conveniently located taps and fixtures in the building.

3. Hot water shall be available at sinks and lavatories at all times.

### Regulation 11

A. Sewage disposal:

1. Sewage shall be discharged into a municipal sewerage system where such a system is available, otherwise the sewage shall be collected, treated and disposed of in an independent sewerage system which complies with standards of design and operation approved by the state department of health.

**Regulation 12****A. Plumbing:**

1. All plumbing shall be installed and maintained in accordance with the Iowa state plumbing Code.

2. Adequate toilet, lavatory, and bath facilities shall be provided on each floor where patients are cared for in the institution.

3. Cross connections, back siphonage defects, and, particularly, water operated suction apparatus are prohibited.

**Regulation 13****A. Sterilizing equipment:**

1. Adequate facilities shall be provided for the sterilization of utensils, instruments, supplies, and water in accordance with the needs of the patients treated. The facilities shall be carefully maintained and routinely checked to assure continuous efficiency.

2. Adequate facilities with proper safeguards shall be provided for the preparation, storage, and dispensing of sterile equipment and supplies.

**Regulation 14****A. Anesthesia storage:**

1. Hospitals using anesthetic gases, capable of exploding under certain conditions of concentration, humidity, etc., shall take all reasonable precautions to avoid explosion hazards in storage or in use.

**Regulation 15****A. Screens:**

1. Screens shall be provided for any outside or inside aperture which could transmit any insect vector carrying infectious material in jeopardy to the welfare and safety of patients. All screen doors shall be equipped with self-closing devices.

**Regulation 16****A. Incineration:**

1. Incineration facilities shall be provided for the disposal of infected dressings, surgical and obstetrical wastes and other similar materials.

**Regulation 17****A. Laundry:**

1. The hospital shall make provisions for the proper cleansing of linen and washable goods. Where linen is sent to an outside laundry, the hospital shall be responsible for the effectiveness of cleansing methods used and the proper care of contaminated linens.

**Regulation 18****A. Hand-washing facilities:**

1. There shall be hand-washing facilities throughout the institution, within or conveniently located with regard to every patient's room or patient-caring service. Hand-scrubbing sinks or lavatories, foot pedal preferred, shall be provided in operating, delivery, and labor rooms, nurseries, examining and treatment rooms, dietary facilities, toilet rooms, and rooms used for the isolation of patients. Hand-scrubbing sinks shall be designed

to make it possible to wash the hands without break in technique. The use of a common towel is prohibited.

**Regulation 19****A. Food service:**

1. *Floors:* The floors of all rooms in which food or beverage is stored, prepared, or served, or in which utensils are washed shall be of such construction so as to be easily cleaned, shall be smooth, and shall be kept clean and in good repair. The floors shall be composed of such material as to constitute a minimal hazard when wet or greasy.

2. *Walls and ceilings:* Walls and ceilings of all rooms shall be kept clean and in good repair. All walls and ceilings of rooms in which food or beverage is stored or prepared shall be finished in light color. The walls of all rooms in which food or beverage is prepared or utensils are washed shall have a smooth, washable surface up to the level reached by splash or spray.

3. *Doors and windows:* When flies are prevalent, all openings into the outer air shall be effectively screened and doors shall be self-closing, unless other effective means are provided to prevent the entrance of flies.

4. *Lighting:* All rooms in which food or beverage is stored or prepared, or in which utensils are washed shall be well lighted.

5. *Ventilation:* All rooms in which food or beverage is stored, prepared, or served, or in which utensils are washed shall be well ventilated. A system of forced air ventilation shall be used in the cooking area.

6. *Toilet facilities:* Every hospital shall be provided with adequate and conveniently located toilet facilities for its employees engaged in food handling. Toilet rooms shall not open directly into any room in which food, beverage, or utensils are handled or stored. The doors of all toilet rooms shall be self-closing. Toilet rooms shall be kept in a clean condition, in good repair, and well lighted and ventilated. Hand-washing signs shall be posted in each toilet room used by employees.

7. *Water supply:* Running water under pressure shall be easily accessible to all rooms in which food is prepared or utensils washed.

8. *Lavatory facilities:* Adequate and convenient hand-washing facilities shall be provided within the kitchen area or adjacent to kitchen area, including hot and cold running water, soap, and approved sanitary towels and shall be readily accessible to employees. The use of a common towel is prohibited.

9. *Construction of utensils and equipment:* All multiuse utensils, cases, counters, shelves, tables, refrigerating equipment, sinks and other equipment or utensils used in connection with the operation of the food service shall be so constructed as to be easily cleaned and shall be kept in good repair. Utensils containing or plated with cadmium or lead shall not be used, provided, that solder containing lead may be used for joining.

10. *Cleaning and bactericidal treatment of utensils and equipment:*

a. All equipment including cases, counters, shelves, tables, refrigerators, stoves, hoods, and sinks shall be kept clean and free from dust, dirt, insects, and other contaminating material. All cloths used by maids, chefs, and other employees shall be clean. Single-service containers shall be used only once.

b. All multiuse eating and drinking utensils shall be thoroughly cleaned and effectively subjected to an approved bactericidal process after each usage. All multiuse utensils used in the preparation or serving of food and beverage shall be thoroughly cleansed and effectively subjected to an approved bactericidal process immediately following the day's operation. Drying cloths, if used, shall be clean and shall be used for no other purpose.

c. No article, polish or other substance containing any cyanide preparation or other poisonous material shall be used for the cleansing or polishing of utensils.

11. *Storage and handling of utensils and equipment:* After bactericidal treatment utensils shall be stored in a clean, dry place protected from insects, dust, and other contamination; and shall be handled in such a manner as to prevent contamination as far as practicable. Single-service utensils shall be purchased only in sanitary container, shall be stored therein in a clean, dry place until used, and shall be handled in a sanitary manner.

12. *Disposal of wastes:* All wastes shall be properly disposed of, and all garbage and trash shall be kept in suitable receptacles in such manner as not to become a nuisance.

13. *Refrigeration:* All readily perishable food and beverage shall be kept at or below 40 degrees F. except when being prepared or served. All refrigerators shall be provided with thermometers.

14. *Wholesomeness of food and beverage:* All food and beverage shall be clean, wholesome, free from spoilage, and prepared so as to be safe for human consumption. Milk and fluid milk products shall be served in the individual original containers in which they are received from the distributor or from a bulk container equipped with an approved dispensing device. This requirement shall not apply to cream, which may be served from the original bottle or from a dispenser approved for such service.

15. *Storage and serving of food and beverage:* All food and beverage shall be so stored, and served as to be protected from dust, insects, vermin, depredation, and pollution by rodents, unnecessary handling, droplet infection, overhead leakage, and other contamination. Foods shall be properly cleaned before storage. All means necessary for the elimination of flies, roaches, and rodents shall be used.

16. *Cleanliness of employees:* All employees shall wear clean outer garments and shall keep their hands clean at all times while engaged in handling of food, beverage, utensils, or equipment. Employees shall not expectorate

or use tobacco in any form in rooms in which food is prepared.

17. *Miscellaneous:* The premises of all hospitals shall be kept clean and free of litter or rubbish. None of the operations connected with the food service shall be conducted in any room used as living or sleeping quarters. Adequate lockers or dressing rooms shall be provided for employees' clothing and shall be kept clean. Soiled linens, coats, and aprons shall be kept in containers provided for this purpose.

18. *Ice:* All ice used in contact with food or beverage shall be safe in quality, meeting state department of health standards for drinking water. It shall be handled and dispensed in a sanitary manner. No ice used for human consumption shall be stored in proximity to an area where wastes are disposed.

19. *Milk and milk products:* There shall be a safe supply of milk, cream and milk products for human consumption. Where pasteurized or Grade A raw milk is not available, condensed, evaporated, or dried milk shall be used.

20. *Food-handling employees:*

a. *Health certificates:* The hospital or institution shall require a medical certificate, given by a reputable physician, for every person handling food in the hospital, stating as the result of a physical examination, and the indicated laboratory procedure that the employee is free from an infectious or communicable disease in a communicable stage, or a carrier of disease, and is physically and mentally able to perform his duties. Such certificate shall be renewed at least once yearly.

b. No person suffering from any infectious or contagious disease or who is a disease carrier shall be employed in the hospital.

21. *Disposal of waste:* Suitable facilities shall be provided for storage, collection and disposal of garbage at frequent intervals in a manner which does not create a nuisance, will not permit the transmission of contagious diseases, or provide a breeding place for flies.

## Regulation 20

A. Dietary department of the hospital:

1. *Dietitian:* The dietary department should be under the supervision of a trained dietitian or a person skilled in the handling, preparation and serving of foods and the supervision and management of food handlers.

2. *Dietary departments not supervised by a trained dietitian:* In hospitals where a trained and qualified dietitian is not employed, the services of a trained dietitian or a nutritionist available to the community, or a nutrition consultant of the state department of health shall be obtained periodically to consult with the personnel of the dietary department on the storing, preparing, and serving of food and the planning of menus.

3. *Food provided patients and employees:* Food provided patients or employees shall fulfill all the requirements of a diet selected and prepared in accordance with accepted nutritional standards of the national research



council. The duties of both the skilled and unskilled employees shall be assigned so that these requirements are fulfilled.

### Regulation 21

A. Facilities and equipment for patient care: Hospital equipment shall be selected, maintained, and used in accordance with the needs of the patients.

#### 1. *Furnishings, supplies and equipment:*

a. *Bed:* A hospital bed with suitable mattress, pillows and necessary coverings shall be provided for each patient. After the discharge of each patient, the bed and room furnishings shall be thoroughly cleansed.

b. *Bedside furniture:* There shall be a chair and bedside table for each patient, unless clinically contraindicated.

c. *Linen:* A supply of towels, wash cloths, bath blankets and all other linen which comes directly in contact with the patient shall be provided as needed for each individual patient. No such linen shall be interchangeable from one patient to another before being properly cleansed or laundered.

d. *Individual equipment:* Individual bedpans, wash basins and mouth wash cups shall be provided for each patient. This equipment shall be properly cleansed and stored. Individual thermometers shall be supplied and disinfected before each use.

2. *Hot-water bags:* Hot-water bags shall be of the proper temperature to protect against burning, and shall be covered before being placed in a bed. Any electrical heating appliance used for patient care shall be carefully checked periodically.

3. *Restraints:* Restraints shall be applied only when they are necessary to prevent injury to the patient or to others, and shall be used only when alternative measures are not sufficient to accomplish their purposes. There must be a written order signed by the attending physician approving the use of restraints either at the time they are applied or as soon thereafter as possible. Careful consideration shall be given to the methods by which they can be speedily removed in case of fire or other emergency.

4. *Signals:* Means of signaling nurses shall be provided within easy reach of all patients confined to bed.

5. *Screens:* Screens or curtains shall be provided in wards or semiprivate rooms in order to secure privacy of each patient.

6. *Storage space:* There shall be satisfactory storage space for clothing, toilet articles, and other personal belongings of patients and all articles shall be marked or identified.

### Regulation 22

#### A. Storage of medicines:

1. All medicines, poisons, and stimulants kept in a nursing service division shall be plainly labeled and stored in a specially designated medicine cabinet, closet or storeroom, and made accessible only to authorized per-

sonnel. The cabinet for drugs shall be well illuminated.

2. Narcotics must be securely locked at all times and accessible only to persons in charge.

3. All medications which cannot be reused with safety shall be discarded when orders have been discontinued or patient has been dismissed.

4. There shall be adequate refrigeration for biologicals and such drug products as require refrigeration.

### Regulation 23

A. Control of infectious, contagious, and communicable diseases: In hospitals accepting communicable disease patients, there shall be facilities and proper procedures for the prevention and control of infectious, contagious, and communicable diseases, and the hospital and its staff shall provide for compliance with the rules and regulations for the control of communicable diseases as provided by the state department of health.

1. *Segregation:* There shall be facilities and proper arrangement of departments, rooms, and patients' beds to provide for the prevention of cross-infections and the control of infectious, contagious and communicable diseases.

a. The maternity and newborn infant services shall be segregated from other services, so as to avoid transmission of infections, and there shall be provisions for removal of infectious maternity or newborn cases to a location where proper isolation can be carried out.

b. There shall be facilities for the isolation or segregation of unclean or infectious medical or surgical cases, and there shall be facilities and proper procedures for the cleansing of rooms and surgeries, immediately following the care of an infectious or contagious case.

c. Segregation of infectious cases shall include policies for the medical, nursing, and lay staffs, providing for proper isolation technique in order to prevent cross-infection between patients, departments and services in the hospital.

d. In planning new hospitals or additions to existing hospitals, there shall be complete separation of obstetrical and surgical services; also, there shall be one or more rooms for contagion, according to the size of the hospital and the needs of the community. Rooms planned for isolation of patients shall have adjoining lavatory and toilet facilities isolated from the rest of the hospital.

2. *Visitors:* The governing authority of the hospital shall establish proper policies for the control of visitors to all services in the hospital in accordance with hospital practice.

a. Maternity hospitals and maternity departments: In maternity hospitals and maternity departments, not more than two visitors in addition to the husband shall be permitted to a patient during visiting hours, and no visitors under fourteen years of age shall be permitted beyond the lobby of a maternity hospital or

the visitors' waiting rooms of a maternity department.

b. Whenever babies are shown to visitors there must be a complete separation by a glass window.

c. Visitors with colds or any other apparent signs of infection shall be excluded from the hospital.

#### Regulation 24

##### A. Fire prevention and safety:

1. Facilities and construction shall be in accordance with rules and regulations of the state and local fire authorities, and shall be so certified by the local authority.

2. There shall be at least one piece of first aid fire fighting equipment on each floor of every hospital building. Where special hazards exist the type of fire fighting equipment recommended by the state fire marshal shall be used.

3. Fire extinguishers shall be inspected periodically and recharged; the date of check shall be registered on the tag attached to extinguisher.

4. A system of warning occupants and attendants of fire shall be provided. The type, location, device and central point shall be determined by the local fire authority or the state fire marshal.

5. All employees shall be instructed in the fire prevention facilities of the institution, use of fire fighting apparatus, and the methods of removing patients from the building. A person within the institution shall be designated to give these instructions and to be responsible for evacuating patients in case of fire.

6. All parts of the heating system shall be constructed and maintained so as to eliminate fire hazards. Metal and asbestos protection must be provided for all steam pipes and hot water pipes when placed nearer than two inches from woodwork.

7. Laundry chutes and dumb-waiter shafts shall be lined with fireproof materials and have close fitting doors. No shaft shall terminate in the attic.

8. Elevator shafts shall be enclosed with fireproof material. There shall be no open grille work in new construction.

9. Plain lettered red exit lights shall be located at fire exits on each floor and shall be kept burning between sunset and sunrise.

10. All exit doors shall open outward.

#### Regulation 25

##### A. Pharmacy service:

1. The pharmacy operating in connection with a hospital shall comply with regulation 22, and shall comply with the provisions of the pharmacy law requiring registration of drug stores and pharmacies, and the regulations of the Iowa state board of pharmacy examiners.

2. In all hospitals with a pharmacy or drug room, this service shall be under the complete supervision of a pharmacist licensed to practice in the state of Iowa.

#### Regulation 26

##### A. Radiology service:

1. There shall be safe X-ray equipment and competent operators in the hospital, or available for the hospital's use in the immediate community, sufficient for radiography, fluoroscopy, and the development of films.

2. Adequate protection for the patients, the operators, and nearby personnel shall be provided.

#### Regulation 27

##### A. Laboratory service:

1. Sufficient laboratory and pathological facilities shall be provided in the hospital, or arrangements made with nearby hospitals or laboratories, to provide these services in accordance with the needs of the patients treated in the hospital.

2. Minimum laboratory facilities for urinalysis and blood counts shall be provided in every hospital.

3. All laboratory services shall be under the supervision of a physician, preferably a clinical pathologist.

#### Regulation 28

##### A. Emergency and out-patient services:

1. All hospitals shall provide space and facilities for emergency care and treatment, including the administration of blood or blood plasma and intravenous medication, facilities for the control of bleeding, the emergency splinting of fractures, and for the administration of oxygen and anesthesia. Competent personnel shall at all times be available or on call for the care of emergencies.

#### Regulation 29

A. Surgical departments: Hospitals providing for the surgical care of patients shall provide an operating room or rooms, graduate nursing personnel, modern surgical equipment in good repair to assure safe and aseptic treatment of all surgical patients, and to protect all clean or elective surgical patients from cross-infection.

##### 1. Surgery location and equipment:

a. There shall be at least one room provided for surgery in all hospitals providing surgical care.

b. The operating room shall have impervious floors and washable walls.

c. There shall be satisfactory means of illumination of the operating field, as well as general illumination. Safe and adequate auxiliary lighting shall also be provided.

d. Minimum facilities for sterilization (sub-sterilizing) shall be provided in close proximity to the operating room.

##### 2. Surgical beds and wards:

a. In hospitals providing care for surgical patients, provisions shall be made for the setting aside of surgical beds, and the arrangement shall be in a manner such as to protect elective and clean surgical cases from cross-infection from unclean or infectious surgical cases.

### 3. Pathology examination service:

a. It shall be the policy of all hospitals providing services for surgical care to have available facilities for the pathological examination of tissue specimen, either on the premises or by arrangement through affiliation, or other means, with a competent pathological laboratory.

#### Regulation 30

A. Obstetric service: All general or specialized hospitals providing for the obstetrical care of maternity patients shall be properly organized and equipped to provide accommodations for mothers and newborn infants; the supervision of the maternity department shall be under the direction of a qualified registered nurse; there shall be accommodations for the isolation of infected cases; there shall be facilities and quarters for a formulary for newborn infants providing for equipment, personnel, and food-handling apart from the possibility of cross-infection from adult patients, or chemical poisons, particularly, boric acid in powder or solution.

1. *Location and arrangement of obstetric and newborn services:* Obstetric and newborn services shall be so located and arranged as to provide for complete protection of mothers and newborn infants from infection and from cross-infection from patients in other services in the hospital.

a. *Labor and delivery room facilities:* Room or rooms shall be set aside for the use of maternity patients for labor and delivery, and every precaution shall be taken to prevent the housing of patients with an infectious, contagious, or communicable disease; recognized policies shall be established for the thorough and complete cleansing of such rooms after care of a patient with an infectious condition. Proper nursing techniques shall be carried out by personnel assigned to the obstetrical service to insure safe care within this area.

b. *Newborn nursery, suspect nursery, and provisions for isolation:* There shall be exclusive rooms for the care of newborn infants and provisions for a suspect nursery for infants suspected of a contagious, infectious, or communicable disease; there shall be provisions for the complete isolation of infants with a known infectious, contagious, or communicable disease. Newborn and older infants admitted from the outside shall not be cared for in the normal newborn nursery.

2. *Labor and delivery room services:* The number of rooms for labor and delivery and the technical equipment for these rooms shall be commensurate with the needs of the hospital; there shall be in all hospitals facilities and supplies for the treatment, including the administration of plasma to maternity patients suffering from shock or hemorrhage.

#### 3. Care of the newborn:

a. In all hospitals providing maternity care, or care of the newborn infant, there shall be nursing personnel exclusively assigned to the

service, and proper facilities to provide for segregation of newborn infants, control of the spread of diseases of the newborn, particularly epidemic diarrhea and impetigo, facilities for care of the premature infant, including incubators. Necessary policies and procedures shall be established to insure safe care.

b. In every hospital providing care of maternity patients and care of the newborn, there shall be at least one premature care incubator of a design approved by the state department of health.

4. *Formulary:* In every hospital providing care for the newborn, there shall be space set aside for a formulary providing for the storage, handling and preparation of infant formulas apart from food provided to adult patients. No drugs or other extraneous substances shall be kept in the formulary.

5. *Reporting of children born out of wedlock:* Children taken from the hospital by persons other than their own parent or parents, and referrals for child placement or adoption shall be in accordance with the laws and the rules and regulations of the state department of social welfare.

#### Regulation 31

A. Pediatric services: All hospitals providing pediatric care shall be properly organized and equipped to provide adequate service.

1. A hospital providing care for children shall have registered nursing personnel commensurate with the needs of the hospital and the size of the service.

2. Hospitals providing pediatric care shall have proper facilities for the caring of children apart from the services for adult patients. Apart from the newborn nursing service, there shall be proper facilities and procedures for the isolation of children with infectious, contagious, or communicable diseases.

#### Regulation 32

A. Tuberculosis hospitals:

1. Any hospital or sanatorium primarily intended for the reception, diagnosis, care, and treatment of tuberculosis cases shall be considered a tuberculosis hospital or sanatorium, and shall conform to all the requirements set forth in the foregoing standards and regulations for general hospitals and special hospitals, except that maternity facilities need not be provided as part of the tuberculosis hospital service if provision is made for adequate prenatal care at the institution, and arrangements are made for the delivery, postpartum care of the mother, and the care of the infant at some available licensed hospital that does provide maternity service.

2. The professional staff shall be personnel especially qualified in the diagnosis and treatment of tuberculosis.

3. All patients diagnosed or suspected of having tuberculosis shall be segregated from the noninfectious patients in the hospital.

4. The use of infectious disease precautions (isolation technique) shall be established for

the protection of the patients, hospital personnel, and visitors, and the necessary instruction given to patients, personnel and visitors to insure this procedure.

5. Personnel employed at tuberculosis hospitals shall have a complete physical examination which shall include skin tests with tuberculin, and a chest X-ray at the start of service of employment, and annually thereafter, unless indicated at shorter intervals.

#### Regulation 33

A. Nervous and mental disease hospitals:

1. Any nervous and mental disease hospital operating as a nervous and mental disease hospital, must be devoted primarily to the care of mental cases, have a staff of professional personnel especially qualified in the diagnosis and treatment of mental illnesses.

2. Hospitals admitting mental patients shall be under the direction of a well-qualified physician who is experienced in psychiatry.

3. There shall be in attendance at all times a registered nurse with special training or experience in the care of mental patients.

4. Nervous or mental patients shall be admitted to mental hospitals in accordance with the commitment laws of Iowa.

5. Patients should be grouped according to age, degree of activity, kind and duration of mental illness. Children under sixteen years of age, alcoholics and drug addicts, patients with favorable prognosis shall be segregated, as well as patients with tuberculosis or other communicable diseases.

6. Facilities for isolation as recommended by the attending physician shall be provided.

7. Rules and regulations pertaining to general hospitals are applicable to mental hospitals; except that maternity facilities need not be provided as part of the mental hospital service if provision is made for adequate prenatal care of the mother, and the care of the infant at some available licensed hospital that does provide maternity service.

#### Regulation 34

A. Contagious disease hospital:

1. Any contagious disease hospital operating as a contagious disease hospital, which is not primarily a tuberculosis hospital, shall conform to all the requirements and facilities which will insure adequate care for the patients served.

#### Regulation 35

A. Penalty and enforcement:

1. See chapter 91, Acts of the 52nd General Assembly, sections 14, 15 and 16.

#### Regulation 36

A. Validity of rules and regulations:

1. If any provision of these rules and regulations or the application thereof to any person or circumstances shall be held invalid, such validity shall not affect the provisions or application of these regulations which can be given effect without the invalid provision or

application, and to this end the provisions of these regulations are declared to be severable.

### LICENSING OF NURSING HOMES AND CUSTODIAL HOMES

[Filed October 30, 1957]

[Effective November 1, 1957]

Promulgated under authority of sections 135.11 and 135C.14 of the Code.

#### DIVISION II

#### Section 1. Definitions

**1.1 Department**—Shall mean the State Department of Health.

**1.2 Nursing Home** — See section 135C.1 of the Code.

**1.3 New Nursing Home** — Shall mean one erected as a nursing home after the effective date of the rules and regulations or one converted to nursing home use after the effective date of the rules and regulations.

**1.4 Custodial Home**—See section 135C.1 of the Code.

**1.5 New Custodial Home**—Shall mean one erected as a custodial home after the effective date of the rules and regulations or one converted to custodial home use after the effective date of the rules and regulations.

**1.6 Alcoholism**—Shall mean the excessive or prolonged use of alcoholic liquors, which has become a habit, with the resultant disturbances of the digestive or nervous systems.

**1.7 Drug Addiction**—Shall mean the excessive or prolonged use of narcotic drugs for the comfort such indulgence affords, when there is no illness or other legitimate reason for such practice and when the habit is not broken by the user.

**1.8 Communicable Disease** — Shall mean that period during the stage of certain diseases when the disease can be transmitted from one person to another. The period of communicability of the disease shall be found in the rules and regulations for the control of communicable disease, published by the department.

**1.9 Mental Illness**—For the purpose of this Act, shall mean a condition which makes the person dangerous or potentially dangerous to himself or others and requires the general use of restraints.

**1.10 Ambulatory Patient**—Able to walk or move about without the aid of another individual or a mechanical device such as a wheelchair.

**1.11 Custodial Care**—Shall be defined as the provision of one or more of the following personal services:

a. Bathing and personal cleanliness, including shaving, care of hair, feet and nails.

b. Supervision to insure that proper clothing is worn in accordance with the weather.

c. Supervision of recreational and routine activities on or off the premises.

d. Tray service if unable to go to the dining room.

e. Temporary nursing service for short illness and relatively minor ailments.

f. Supervision of all medicines and drugs in the home except those in which the physician signifies in writing that the resident is mentally and physically capable of handling the medication.

**1.12 Qualified Nurse**—Shall mean a currently licensed Iowa registered nurse or a currently licensed Iowa practical nurse.

**1.13 Chairfast Patient**—A patient who because of mental or physical condition is unable to bear his weight even with the aid of a mechanical device or another individual.

**1.14 Bedfast Patient**—A patient who is continuously in bed because of mental or physical disability and requires twenty-four hour nursing care.

**1.15 Nursing Care**—For the purpose of this Act, nursing care shall mean a planned program of service which meets the physical and emotional needs of the patient, is supervised or administered by a qualified nurse and includes those services which a patient normally cannot do for himself, such as bedbath, treatment, medication, nutrition and rehabilitation.

**1.16** For the purpose of this Act, the use of the words "shall" and "must" indicate those standards which are mandatory. The words "should" and "could" indicate those standards which are recommended.

## Section 2. Admission Policies

**2.1** Acutely ill patients shall be transferred to the nearest general hospital unless a physician indicates in writing that the patient may be cared for satisfactorily in present accommodations. Such authorization shall be preserved with the patient's record.

**2.2** No home shall admit more patients than the number of beds for which it is licensed. There shall be no more beds erected than is stipulated on the license.

**2.3** Nursing homes which offer care to children under twenty-one years of age shall provide separate facilities and staff. See Appendix A.

[Amendment filed December 14, 1965]

## Section 3. Administration and Staff Policies

**3.1** There shall be some one person in charge of the home at all times. This person may be the owner or manager of the home or a person designated for the purpose who is qualified to assume the management and operation of the home and who is at least twenty-one years of age and not more than seventy years of age.

**3.2** Whenever possible, personnel shall be employed for specific duties within the home.

**3.3** Hours of work, vacation time, pay allowance and duties shall be established at the start of employment. The agreement shall be in writing and signed by both parties.

**3.4** Health certificates for all personnel, including the operator, shall be available for inspection. A Medical Certificate, given by a reputable physician, for every person caring

for patients or handling food, stating as a result of a physical examination, chest x-ray and indicated laboratory procedure, that the employee or person is free from any infectious or communicable disease in a communicable stage, or a carrier of disease and is physically and mentally able to perform his duty. Such certificate shall be renewed at least once annually. No person suffering from infectious or contagious disease or who is a carrier shall be employed in a nursing home.

**3.5** It is recommended that nursing home operators or administrators attend the educational institutes.

## Section 4. Personnel

### 4.1 General Qualifications:

a. Persons employed in the home shall have sufficient experience and qualifications to perform the type of work for which they have been employed.

b. The nurse employed to supervise nursing service shall be a qualified nurse as defined in these regulations.

c. All nursing service personnel employed in the home shall be at least eighteen years of age and not more than seventy years of age, of at least average intelligence and of good character.

d. Persons employed for nursing service shall have had training as nurse aides or have had experience as nurse aides unless there is an in-service training program under the supervision of a qualified nurse.

e. Persons in charge of meal planning and food preparation shall have had special training in the work or have had experience in home management.

f. All persons employed in the home shall have a genuine liking and understanding of the aged and chronically ill.

g. All persons employed in the home shall be in good physical and mental health.

h. No person who is an habitual user of narcotics, drugs or alcoholic liquors shall be employed in the home.

i. No person with a communicable, contagious or infectious disease shall be employed in the home.

### 4.2 Medical Supervision:

a. Every patient in the home shall be under the medical supervision of a physician legally licensed to practice medicine in Iowa.

b. Each patient shall be allowed free choice of a physician. The physician shall visit the patient as necessary to assure adequate medical care, each patient shall be visited at least once every three months.

c. Arrangements shall be made with a physician to be available for emergencies in the home in case the patient's own physician cannot be reached.

d. Each patient shall have a complete physical examination immediately before admission to the home or within a week after admission. A record of the examination, signed by the

physician making the examination, shall be a part of the patient's medical record.

#### 4.3 Nursing Supervision and Staffing:

a. A qualified nurse shall be employed to supervise the nursing service in all nursing homes.

1. In homes with a licensed bed capacity of fourteen or less, the nurse shall be on duty for a minimum number of hours equivalent to one hour per week, per bed (licensed bed capacity) and on recall for duty when not on regular assignment.

2. In homes with a licensed bed capacity of fifteen to fifty, the nurse shall be on duty at least forty hours per week and on recall for duty when not on regular assignment.

3. In homes with a licensed bed capacity of fifty-one to one hundred, a nurse shall be on duty at least an aggregate of eighty hours per week, with one nurse on recall when not on regular assignment.

4. In homes with a licensed bed capacity of over one hundred, a nurse shall be on duty at least an aggregate of one hundred twenty hours per week, with one nurse on recall when not on regular assignment.

5. Recommended duty hours for qualified nurses are 7:00 a.m. to 3:30 p.m., but the actual hours should be during the period of the most concentrated nursing care.

6. After June 1, 1964, in homes of a licensed bed capacity of less than twenty beds, there shall be at least one qualified nurse on duty forty hours per week, and on recall when not on regular assignment.

[Amended February 8, 1963]

7. After June 1, 1964, in homes with a licensed bed capacity of twenty to fifty, a nurse shall be on duty at least eighty hours per week, with one nurse on recall when not on regular assignment.

[Amended February 8, 1963]

8. After June 1, 1964, in homes with a licensed bed capacity of fifty-one to one hundred, a nurse shall be on duty at least one hundred twenty hours per week, with one nurse on recall when not on regular assignment.

[Amended February 8, 1963]

9. After June 1, 1964, in homes with a licensed bed capacity of over one hundred, a nurse shall be on duty at least one hundred sixty hours per week, with one nurse on recall when not on regular assignment.

[Amended February 8, 1963]

b. There shall be at least one person up and dressed during the night; the person shall be capable of rendering nursing service.

c. Nursing service for female patients shall be provided by female personnel.

b. The nurse shall take care of all in-dwelling catheters but shall not initiate catheterization.

c. Intravenous injections of any type shall not be administered in any institution defined in these regulations except in an emergency and then only when supervised or administered by a physician or authorized registered nurse.

d. Each patient shall be given proper personal attention and care or supervision of care, including skin, nails, hair and oral hygiene in addition to specific care ordered by the physician.

e. Each patient who is physically able shall be up and out of bed for at least a brief period each day, unless the physician has written an order for him to remain in bed.

f. Patients shall have clean clothing as needed to present a decent appearance, to be free of odors and to be comfortable.

g. Treatments shall be carried out according to the physician's order, using acceptable nursing techniques to safeguard the patient, minimize discomfort and obtain the physician's objective. No treatments shall be given without the physician's written orders.

h. Each patient shall have a minimum monthly shampoo and weekly complete bath. Patients who are bedfast shall have a complete sponge bath at least every other day.

i. Patients who are bedfast shall have their body position changed several times a day.

j. Patients who are incontinent shall have partial baths each time the bed or clothing is soiled. The soiled or wet linen and clothing shall be replaced with clean, dry ones.

k. Rubber or plastic covers shall be used to protect the pillows and mattresses. The protecting covers shall be cleaned often to prevent odor. Patients shall be protected from direct contact with rubber or plastic covers by the use of cotton draw sheets.

l. Special attention and care shall be given to the skin of bedfast patients so that pressure sores (bed sores) will not occur.

m. Patients shall be encouraged to leave their rooms and use the recreational facilities of the home as much as possible.

n. One or more bedrooms shall be available for use of patients, ill, indisposed or in need of isolation.

o. Sexes shall be separated by means of separate wings, floors or rooms, except in cases of husband and wife. Rooms shall be so arranged that it will not be necessary for a patient to pass through rooms of the opposite sex to reach toilet facilities or other areas of the home.

#### 5.2 Restraints:

a. Restraints are to be applied only as a measure to prevent the patient who is mentally disturbed or unmanageable from harming himself or other patients and then only after other measures have proven unsuccessful.

b. There shall be a written order signed by

### Section 5. Patient Policies

#### 5.1 Patient Care:

a. All medications and treatments shall be administered by a nurse or a qualified person. Oxygen shall be administered only on direct order of a physician and under the twenty-four hour supervision of a qualified nurse.

the attending physician approving the use of restraints either at the time they are applied to the patient or in the case of emergency, within twenty-four hours after they have been applied. No such orders shall be valid for more than forty-eight hours.

c. The form of restraint used shall not be painful to or in any way physically harm the patient.

d. Patients shall not be kept behind locked doors. If it becomes necessary to confine a patient in his room, a half door or screen door with a hook shall be used.

e. If a patient becomes disturbed and unmanageable, he shall be removed from the home within a period of time not exceeding five days. During the disturbed state, a patient shall receive management for same only under the direction of a physician. If the patient does not respond to treatment provided by the physician within the five-day period, necessary legal proceedings shall be initiated for the removal of the patient from the home.

### 5.3 Patient Privileges:

a. Patients shall be allowed individual freedom to attend the church of their choice, movies, go for walks and engage in other outside activities as long as they are physically and mentally able.

b. Visiting shall be permitted; a patient's friends or relatives shall have access to the home for visiting purposes.

c. Reasonable visiting hours may be established by the operator. If visiting hours are established they shall be posted in a conspicuous place.

d. A patient's pastor shall be permitted to visit him at all reasonable hours. Privacy for consultation, communion or for interviews with other professional people as necessary shall be the privilege of every patient.

e. There shall be written agreement between the nursing home operator and each patient, relative to the cost of care. The agreement shall be signed by the operator and the patient or by the patient's legal representative.

f. The operator shall not refuse to discharge or transfer a patient when the physician, family, patient or legal guardian requests such a discharge or transfer. The attending physician should be consulted or notified in all cases of discharge or transfer.

## Section 6. Records

### 6.1 Personnel:

a. A record shall be maintained for each employee, setting forth the following information:

- Name and address of employee
- Social Security number of employee
- Date of birth
- Date of employment
- Experience and education
- References (names and addresses of three)
- Position in the home
- Date of discharge or resignation
- Reason for discharge or resignation

b. A record of the employee's physical examination shall be kept on file in the home.

### 6.2 Financial:

a. Financial records shall be established and maintained showing amounts and sources of income and expense.

b. A record of all sums received shall be kept up to date and available for inspection by duly authorized persons.

### 6.3 Patient Records:

a. Admission Record: The operator shall keep a permanent admission record on all patients admitted to the home. The following information shall be recorded:

Date of admission and discharge

Name and address of patient

Birthdate, marital status of patient

Financial responsibility

Church affiliation

Physician's name, telephone number and address

Undertaker's name, telephone number and address

Name and address of nearest relative or friend

Name, address and telephone number of person to be notified in an emergency

Admission diagnosis

Discharge diagnosis

b. Record of physical examination: This record to be filled out when the physician makes the admission physical examination. The following information shall be recorded and signed by the physician making the examination:

Patient's name, sex, age

Present complaint

Record of physical examination

Diagnosis

c. Doctor's Orders: All orders for treatment and medication shall be written by the physician or verbal or telephone orders given by the physician may be written by the nurse but shall be signed by the physician; no treatments or medicines shall be given without a physician's order.

d. Nurse's Record: A permanent record shall be kept for each patient by the nurse. The record shall include the following information:

Date, time and dosage of each medication administered

Date and time of all treatments and dressings

Date and time of physician's visit

Record of all pertinent factors pertaining to the patient's condition

Record of all accidents to the patient in the home

Date and time of discharge or death

### e. Narcotic Record:

1. All narcotics prescribed for patients in a nursing home shall be handled in the manner required by the Harrison Narcotic Law which includes keeping them in a special narcotics cabinet under lock and key at all times, and with the written record of usage and with

written authorization and order for use by a doctor.

2. Unused supply of narcotics, upon the death or discharge of patient for whom prescribed, shall be returned to the physician and a signed receipt obtained by the nursing home operator.

f. Death Record: The death record shall include the following information:

- Name, age, sex and race of deceased
- Date and time of death
- Physician's name and address
- Immediate cause of death
- Name and address of relative or friend notified of death
- Name and address of undertaker receiving the body
- Signatures of the physician and undertaker

#### 6.4 Reports:

a. An annual report shall be made to the Department regarding operating data during the preceding year (January 1 to January 1). Forms will be furnished and mailed for this purpose.

b. Any occurrence of food poisoning, outbreak of epidemic, contagious disease or any other unusual occurrence shall be immediately reported by telephone or telegram to the Department or to the nearest health officer and shall be followed by a written report.

c. The nursing home license shall be surrendered to the Department on change of ownership, name or location of the nursing home, death of the licensee or in case of ceasing to operate as a nursing home.

d. Change from a licensed nursing home to a custodial home shall be made by return of the nursing home license to the Department and filing an application for a custodial home license within the licensing year.

e. A field visit memorandum indicating violations and recommendations signed by the inspector and the administrator or person in charge of the home shall be left in the home at the time of the inspection.

### Section 7. Furnishings and Equipment

#### 7.1 Communciation:

a. Every home shall have at least one telephone within the building and such additional telephones as are required to summon help promptly in case of emergency. A telephone shall be provided for the use of patients in the home.

b. Every home shall be located on an all weather road which is kept open for traffic at all times.

#### 7.2 Bedrooms:

a. Each patient shall be provided with a bed. A standard single or twin bed, substantially constructed and in good repair. Rollaway beds, metal cots or folding beds are not acceptable. Beds shall have head and foot boards. Adjustable hospital beds are desirable for bed patients.

b. Each bed shall be equipped with the following:

A clean spring in good repair

A clean, comfortable, well-constructed mattress approximately five inches thick and standard in size for bed

Clean, comfortable pillows of average bed size

Moisture proof covers and sheets as necessary to keep the mattress and pillows dry and clean

c. Each patient shall have a bedside table or its equivalent with compartment or drawer to accommodate personal possessions.

d. There shall be a comfortable chair, either a rocking chair or arm chair, per patient bed.

e. There shall be a chest of drawers or a bureau with drawers for the patient's clothing. In multiple rooms drawer space shall be assigned each patient.

f. There shall be a wardrobe or a closet in each patient room. In multiple rooms, closet or wardrobe space shall be assigned each patient.

g. There shall be a nurse call system or call bells provided for each patient.

h. Reading lamps or bed lamps are recommended for each patient bed.

i. Bed screens or curtains shall be supplied in semiprivate or multibed rooms to insure privacy for patients.

j. Window shades and curtains shall be clean, attractive and maintained in good repair.

k. Bedrooms shall be of size to allow a minimum eighty square feet of floor space in single-bed rooms. Multiple-bed rooms shall be of a size to provide a minimum of sixty square feet per bed, seventy square feet per bed is recommended.

#### 7.3 Bath and Toilet Facilities:

a. Toilet and bathing facilities shall not open directly onto food preparation areas nor be located in such a manner that patients or employees carrying bedpans or urinals must pass through food preparation areas.

b. Toilet and bath facilities shall be provided in number ample for use according to number of patients of both sexes, and personnel of the institution. Minimum requirements shall be one lavatory, one toilet, and one shower or tub for each ten persons, or fraction thereof, of each sex. The minimum shall be one bathroom with toilet on each floor. Grab bars shall be provided at all toilets and bathtubs.

c. In nursing homes where the total occupancy of family, employees and patients is six or less, one toilet and one tub or shower shall be the acceptable minimum requirement.

#### 7.4 Kitchen:

a. The kitchen shall be one of the cleanest areas of a home.

1. There shall be at least one two-compartment sink in all kitchens unless a three-compartment sink is used for dishwashing.



2. Handwashing lavatories for the use of food handlers shall be provided.

3. Minimum equipment and furniture includes:

(a.) Adequate cupboards equipped with doors for storage of all eating and cooking utensils and food supply.

(b.) Adequate work table top and counter space for preparing and serving of all foods for patients and personnel.

4. Work space and table tops shall be covered with materials which can readily be cleaned.

5. Bread boards and meat chopping boards shall be maintained in a clean and sanitary condition. Wood surfaces should be kept as smooth as possible to eliminate grooves and dents.

6. Frequent cleaning of floors, walls, woodwork and windows is necessary. Window sills shall be kept free from storage so that they can be kept clean.

7. Mopheads shall be frequently run through washing machines.

#### 7.5 Living Room:

a. A living room or parlor shall be provided for the exclusive use of patients and their visitors and may be used for recreational activities.

b. The living room shall be easily accessible to all patients in the home. In large homes of two or more stories, it is desirable to have a living room on each floor.

c. The living room shall be well heated and lighted and shall be comfortably furnished; chairs, lights, radio, current magazines, daily newspapers and appropriate diversional therapy such as cards and checkers.

d. Window shades and curtains shall be clean and attractive and maintained in good repair.

#### 7.6 Dining Room:

a. If a dining room is provided it shall be maintained in a satisfactory manner.

b. Patients shall be encouraged to eat in the dining room.

c. The dining room shall be well lighted and ventilated and shall be kept free from odors.

d. Tables and chairs shall be provided. The table tops shall be constructed and finished so as to be easily cleaned and shall be kept clean.

e. Window shades and curtains shall be clean, attractive and maintained in good repair.

#### 7.7 Utility Storage and Cleaning:

a. A closet or other enclosed storage space shall be provided for storage of necessary nursing equipment. Basins, bedpans and urinals when not in use shall be stored in the unit.

b. A closet or other room shall be provided, separate from bathroom or kitchen equipped with running water and appropriate sinks or hoppers to facilitate cleaning of nursing care equipment unless the toilet stool is equipped with a bedpan flushing device.

c. A closet or other enclosed space shall be provided for mops, brooms, scrub pails and other utensils used for cleaning purposes.

#### 7.8 Linen Supply and Storage:

a. Adequate and convenient storage space shall be provided for all linens, pillows and bedding.

b. A supply of linen shall be available so that each patient shall have at least three clean hand towels, three bath towels, three wash cloths, six clean sheets, six pillow cases and two clean sheet blankets each week.

c. A sufficient supply of bed blankets (wool or wool and cotton) shall be available to keep the patient clean and comfortable with a minimum of two blankets per patient bed.

d. There shall be a reserve supply of linen available so that incontinent patients can be kept clean and comfortable.

### Section 8. Supplies and Equipment for Nursing Service

8.1 Adequate and satisfactory equipment shall be provided for nursing service. The amount will vary in accordance with the size of the home.

8.2 The following list of articles shall be provided:

#### HARDWARE

Mouth wash cups

Bath basins

Bathroom scales

Irrigating can

Bedpan

Emesis basin

Urinals

Quart graduate measure

Metal pitcher

Foot stool

Bed rails

Wheelchair

Commodes

#### RUBBER GOODS

H<sub>2</sub>O bottles

Ice cap

Rectal tubes

Catheters

Douche nozzle

Rubber or plastic pillow covers

Rubber or plastic sheets

Rubber rings

#### MISCELLANEOUS SUPPLIES

Disinfectant solution

Rubbing lotion

Alcohol

Lubricating jelly

Vaseline

Paper towels

Paper handkerchiefs

Oral thermometers

Rectal thermometers

Insulin syringe

Medicine glasses

Cotton

Bandages

Applicators

Tongue depressors

Toilet tissue

Adhesive

2 c.c. Hypodermic syringe and needles

### Section 9. Drug Storage and Handling

**9.1** A cabinet with a lock shall be provided and used for the storage of all drugs, solutions and prescriptions. There shall be some type of work counter in direct proximity to the cabinet and both cabinet and counter shall be well lighted. It is recommended that running water be in close proximity to medicine storage.

**9.2** Drug storage shall be located in an area that is convenient to nursing service. A bathroom is not a satisfactory location for drug storage.

**9.3** The storage cabinet shall be kept locked and the person directly responsible for dispensing medicines shall keep the key in her possession.

**9.4** A special locked box shall be kept within the cabinet for the safekeeping of all narcotics. Records shall be kept of all narcotics that are received and dispensed.

**9.5** Biologicals and other medications requiring refrigeration shall be kept in the refrigerator. In small homes the kitchen refrigerator may be used if the medications are plainly labeled with the patient's name and room number and are stored in a separate compartment of the refrigerator.

**9.6** No medicines prescribed for one patient may be administered to or allowed in the possession of another patient.

**9.7** All drugs, narcotics, stimulants, barbiturates and all other medicine prescribed by a physician shall be plainly labeled with patient's name, physician's name, date prescribed, and name or prescription number of such medicine and dosage to be given.

All prescriptions shall be left in the original container in which they are obtained and the label shall not be altered in any way.

**9.8** When a patient is discharged or leaves the home, the unused prescription shall be sent with him or a responsible agent.

**9.9** Prescriptions shall not be automatically refilled; they can only be refilled with the permission of the attending physician.

**9.10** A qualified nurse or a responsible person shall dispense and administer all medications. The nurse shall be held responsible for all medications.

**9.11** No patient shall be allowed to keep in his possession any medications unless the attending physician signifies in writing on the patient's medical record that the patient is mentally and physically capable of handling his medicines.

**9.12** No medications, prescriptions included, shall be dispensed to a patient without a written order signed by the attending physician.

**9.13** A pharmacy operating in connection with a nursing home shall comply with the provisions of the pharmacy law requiring registration of drug stores and pharmacies,

and the regulations of the Iowa state board of pharmacy examiners.

In all nursing homes with a pharmacy or drug supply, this service shall be under the complete supervision of a pharmacist licensed to practice in the state of Iowa.

### Section 10. Food and Food Service

**10.1** Food requirements shall conform to the U. S. department of agriculture nutritional standards for the sedentary or incapacitated. At least three meals per day shall be served with a minimum of ten hours between breakfast and the evening meal.

**10.2** The following lists a minimum standard for kinds and quantities of food per patient, per week. This may be used as a guide for food purchasing:

*Milk .....	5 quarts
Potatoes .....	2.5 pounds
Dry Beans .....	4 ounces
Citrus Fruits .....	2 pounds
Green and Yellow Vegetables.	3 pounds
Eggs .....	5
Meat .....	2.5 pounds
**Flour—Cereals .....	3 pounds
Fat .....	½ pound
Other Vegetables and Fruits.	4 pounds
Sugar, Syrup and Preserves.	.12 ounces
*Milk or equivalent in cheese, dry milk, evaporated milk, etc.	
**Count 1.5 pounds of bread as one pound of flour.	

**10.3** Special diets may be ordered by a physician and such diets shall be served as ordered and recorded in the patient's record. A recommended reference guide for such meal planning is the "Simplified Diet Manual" by the Nutrition Service of the Iowa state department of health and the Iowa dietetic association, published by the Iowa State University press.

**10.4** Patients' meals shall be served in an attractive manner and all meals should have appetite appeal.

a. Meals shall consist of a balanced selection; not all carbohydrates and fat foods or all protein foods, but reasonable servings of each. At least one meal each day shall include a meat dish. A meat substitute may be used if the patient's religious beliefs or prescribed diet prohibits meat.

b. Table service. The food service shall be attractive with individual dishes for the various foods. Dishes shall be of durable china or plastic. Clean and attractive table covers shall be used. Surroundings shall be pleasant and attractive.

c. Tray service shall consist of individual china or plastic dishes on an attractive tray. Trays shall be of a quality which will not deteriorate under hot water or mechanical dishwashing.

d. Cracked or chipped dishes shall not be used.

**10.5** Mashed or strained vegetables and ground meats shall be prepared for those patients who have mastication or digestion difficulty.

10.6 Between meal snacks and nourishment shall be available when ordered by the physician for patients who are undernourished or who have poor appetites.

10.7 Menus shall be planned at least one week in advance and copies kept in the operator's files for at least six months and may be reviewed by authorized personnel.

10.8 All food and drink shall be clean, wholesome, free from spoilage and so prepared as to be safe for human consumption.

10.9 If foods are canned or otherwise preserved at the home, they shall be processed under controlled conditions using methods currently recommended by the bureau of home economics, U. S. department of agriculture. All nonacid vegetables, meats and poultry shall be canned by pressure cooker method.

Donations of home canned or processed foods shall not be accepted. Individual gifts of jam or jelly may be accepted.

#### Section 11. Family and Employee Accommodations

11.1 If the family or employees live within a home licensed under this Act there shall be provided separate living quarters, including bathing, toilet and recreation facilities.

11.2 Operators' or employees' small children shall not be allowed into the areas where nursing home patients are housed or in service areas.

11.3 No part of a premise licensed under this Act shall be utilized for any purpose other than operation of the home, as defined in the law, or housing for operator and family or employees.

11.4 In nursing homes where the total occupancy of family, employees and patients is six or less, one toilet and one tub or shower shall be the minimum requirement.

#### Section 12. Sanitation

12.1 **Location:** The home shall be in a good neighborhood, free from excessive noise, dirt or polluted air, and away from railroads, main traffic arteries, industrial developments and similar disturbances. There shall be surrounding land for outdoor activities.

##### 12.2 General Housing Requirements:

a. Every home located within the corporate limits of a municipality having a population of fifteen thousand or more shall comply with all applicable provisions of the state housing law.

b. Every home located within the corporate limits of a municipality shall comply with all local ordinances applicable thereto.

c. The total window area in each room shall be at least one-eighth of the superficial floor area.

d. The ceiling height of all rooms shall not be in any part less than eight feet three inches from the finished floor to the finished ceiling.

e. No part of any room shall be enclosed or

subdivided unless such part be separately lighted and ventilated.

f. Every water closet compartment and every bathroom shall have an aggregate window area of at least four square feet.

The above provision does not apply to homes having a system of forced ventilation so constructed as to entirely change the air every seven minutes.

g. No room in a cellar shall be occupied for living purposes.

A cellar is a story having more than one-half of its height below the curb level, or below the highest level of the adjoining ground. A cellar shall not be counted as a story.

h. No room in a basement shall be occupied for living purposes unless in addition to other requirements, such room shall have sufficient light and ventilation, shall be well drained and dry, and shall, in the opinion of the board of health, be fit for human habitation.

A basement is a story partly underground but having at least one-half of its height above the curb level or above the highest level of the adjoining ground. A basement shall be counted as a story.

i. Every home and every part thereof shall be kept clean and shall also be kept free from any accumulation of dirt, filth, rubbish, garbage or other matter.

j. Every home and all parts thereof shall be kept in good repair.

k. Rooms in which beds are placed shall not be used for purposes other than bedrooms.

l. Artificial lighting shall be sufficient to light the entire room area. Exposed light bulbs shall not be used in patient rooms or areas frequented by patients.

m. Battery operated emergency lights shall be available at all times.

n. All stairs shall have handrails and slip resistant treads.

o. [Amended September 18, 1958]

p. Floors shall be smooth, easily cleaned and slip resistant. Carpeting or rugs shall be clean and in good repair. Small throw rugs shall not be used.

#### 12.3 Water Supply:

a. Every home shall have a safe and potable water supply.

A municipal source of supply shall be considered as meeting this requirement.

b. Private sources of supply shall be surveyed and shall comply with the recommendations of the division of public health engineering, Iowa state department of health.

c. Private sources of supply shall be tested annually and the report submitted with the annual application for license.

d. Individual testing schedules for private sources of supply may be set at the discretion of the division of public health engineering, Iowa state department of health.

e. A bacterially unsafe source of supply shall

be grounds for denial, suspension, or revocation of license.

f. Running water under pressure shall be piped into the house.

#### 12.4 Sewerage System:

a. Sewage shall be collected and disposed of in a manner approvable by the Department. Disposal into a municipal system will be considered as meeting this requirement.

b. Private sewerage systems shall be surveyed and shall comply with the recommendations of the division of public health engineering, Iowa state department of health.

c. Every home shall have an interior plumbing system complete with flushing device.

12.5 Garbage: All garbage shall be stored and disposed of in a manner that will not permit transmission of disease, create a nuisance or provide a breeding place for rodents or insects.

#### 12.6 Incineration:

a. Incinerators shall be required for all homes or all wastes shall be properly disposed of in compliance with local ordinances and codes. The incinerator shall be of such design, construction and capacity as to fulfill the needs of the home.

b. The flue gases shall be carried to a point above the roof.

#### 12.7 Screens:

a. Screens of sixteen mesh per square inch shall be provided at all openings.

b. Screen doors shall swing outward and be self-closing.

At the direction of the state fire marshal, screens for fire doors may swing in.

#### 12.8 Food Sanitation:

a. Handwashing facilities: Adequate and convenient handwashing facilities shall be provided for all kitchen employees, including hot and cold running water, soap and individual towels.

##### b. Dishwashing facilities:

1. After each separate use, all dishes, trays, silverware, glasses and cooking utensils shall be thoroughly cleaned and washed in water (110° F. to 120° F.) containing an adequate amount of effective detergent to remove grease and solids. The wash water shall be changed often enough to keep it reasonably clean. Following the washing procedure the dishes, trays, silverware, glasses and cooking utensils shall be subjected to an approved bactericidal treatment.

The washing and bactericidal treatment may be done by either of the following methods:

##### a. Three-compartment sink:

(1) Dishes, trays, silverware, glasses and cooking utensils are washed in the first compartment at the above specified temperatures.

(2) The dishes, trays, silverware, glasses and cooking utensils are placed in the second compartment for rinsing. The temperature of the rinse water to be the same as for the wash water. Dishes, trays, silverware, glasses and

cooking utensils may be placed in racks following either Step 1 or Step 2.

(3) The racks of dishes, trays, silverware, glasses and cooking utensils are immersed into the third compartment for the following specified time: Clean hot water of one hundred seventy degrees F. for two minutes or vigorously boiling water for one-half minute. A supplemental heater will be required in the third compartment to maintain the required temperature. A thermometer shall be immediately available at all times for testing the water temperature.

(4) After immersion in the third compartment for the specified time, the rack of dishes, trays, silverware, glasses and cooking utensils shall be placed on a clean nonabsorbent surface to drain and air dry.

##### b. Mechanical dishwashing:

(1) The dishes shall be scraped and rinsed before placing in the rack of the dishwasher. For best results the directions of the manufacturer should be followed.

(2) A supplemental heater shall be provided to maintain the water at the above specified temperatures.

2. The use of drying towels shall not be permitted.

3. Hand pouring or spraying of scalding or hot water over the dishes is not satisfactory.

4. Dishes, trays, silverware, glasses and cooking utensils shall be stored in clean, closed cupboards.

c. Refrigeration: All readily perishable food and drink shall be refrigerated below fifty degrees F. except when being prepared or served. This shall include all custard-filled and cream-filled pastries, milk and milk products, egg products, meat, fish, shellfish, gravy, poultry stuffing, sauces, dressings and salads.

d. Storage of food and drink: All food and drink shall be stored and served so as to be protected from dust, flies, vermin, rodents, unnecessary handling, droplet infection, overhead leakage and other contamination.

e. Ice: Ice shall be stored and handled in such a manner as to prevent contamination.

f. Practices for personal cleanliness of employees:

1. All employees shall wear clean outer garments and shall keep their hands clean at all times while engaged in handling food, drink, utensils or equipment. Employees shall not expectorate or use tobacco in any form in rooms in which food is prepared.

2. Women employees shall wear hairnets.

3. Men employees shall wear caps.

4. Patients shall not be allowed in food-preparation areas except when ordered by a doctor as part of therapy and they must have food handlers examinations.

5. No employee shall resume work after using the toilet room without first washing his hands.

##### g. Milk:

1. All milk consumed within the home shall

comply with all local ordinances or applicable provisions of the state Code.

Milk purchased from a commercial dairy shall be considered as meeting this requirement.

2. Home-produced milk shall comply with the rules and regulations of the Iowa state department of agriculture for Grade "A" pasteurized or Grade "A" raw milk.

*h.* Miscellaneous: No animals shall be allowed within the home. Pet birds shall not be kept in any room where food or drink is prepared and stored.

**12.9 Heating:** A centralized heating system capable of maintaining a minimum temperature of seventy-eight degrees F. shall be provided. Unit or space heaters which consume oxygen from area which may be occupied or are capable of causing injury or burns are prohibited.

#### 12.10 Laundry:

*a.* Unless laundry is sent out, every home shall be provided with a laundry room equipped with adequate facilities. An adequate storage and counting area shall be provided for both soiled and clean linens.

*b.* The laundry room, storage and counting area shall be located in a room not used by patients or personnel nor for food storage, preparation or serving. It shall be so located that soiled linens are not carried through food preparation areas except when enclosed in laundry bags.

### DESIGN AND CONSTRUCTION OF NEW NURSING HOMES DIVISION III

#### Section 1. Location

The home shall be in a good neighborhood, free from excessive noise, dirt or polluted air, and away from railroads, main traffic arteries, industrial developments, and similar disturbances. There shall be surrounding land for outdoor activities.

#### Section 2. Fire Regulations

[Filed September 17 and October 5] See page 362.

#### Section 3. Operation and Maintenance

Refer to Division II.

#### Section 4. General Requirements

4.1 When construction is contemplated, whether for a new building, additions to existing buildings or functional alterations to existing buildings, plans and specifications shall be submitted, before construction begins, to the department for review and approval.

4.2 When the conversion of a building for nursing home use is contemplated, the proposal shall be submitted to the department for review and approval.

4.3 Plans and specifications shall be certified by an engineer or architect licensed to practice, or eligible for licensure in Iowa.

4.4 The design shall be in accordance with all applicable laws, local municipal codes, and the rules and regulations.

#### Section 5. Elements of Minimum Design

##### 5.1 Administration Department:

Business office (2)  
Administrator's office (2)  
Consultation room (1)  
Lobby and waiting room  
Public toilet facilities

##### 5.2 Ancillary Facilities:

Recreation room (2)  
Patients' dining rooms (2)  
Recommend at least fifty square feet per bed for seventy-five percent of the total beds in the home for recreation and patients' dining.

Physical therapy services (1)

Patients' laundry (1)

Outdoor recreation area

##### 5.3 Nursing Department:

###### *a.* General:

1. No patient's room shall have more than six beds, not more than three beds deep from outside wall. Not more than two beds per patient room is desirable.

2. Individual room toilets or connecting baths or half-baths are recommended. In the absence of connecting bath facilities each patient's bedroom shall have a lavatory.

3. At least one single room with private toilet shall be provided for purposes of medical isolation or incompatibility with other patients in the home.

4. No patient's room shall be located on any floor which is below grade.

5. A nurse call system shall be provided.

###### *b.* Minimum Patient Room Areas:

1. Eighty square feet per bed (one hundred square feet desirable) in multiple bedrooms. One hundred square feet per bed (one hundred twenty-five square feet desirable) in single bedrooms.

2. Patient corridors shall be a minimum of seven feet in width. Handrails shall be provided.

###### *c.* Service Facilities:

Nurses' station  
Nurses' toilet  
Utility room (2)  
Treatment room  
Floor pantry  
Bedpan facilities (2)  
Clean linen storage  
Stretcher and wheelchair parking area  
Janitors' closet

*d.* Toilet Facilities: If centralized toilets are provided, a toilet room for each sex at a ratio of one water closet to each eight beds or fraction thereof will be required. Appropriate grab bars shall be provided at each water closet. It is recommended that an enclosure at least five feet by six feet be provided to permit toilet training.

*e.* Bathing Facilities: A separate bathroom for each sex containing at least one bathtub or one shower shall be provided. A ratio of one bathtub with appropriate grab bars or one

shower with appropriate grab bars for each ten beds or fraction thereof is required.

*f.* Service department:

Kitchen

Dishwashing facilities

Refrigeration facilities

Garbage handling and storage

Personnel dining facilities

Housekeeping facilities

1. Clean linen facilities

2. Soiled linen facilities

Heating plant

Employee locker room and toilet

General storage at least fifteen square feet per bed and to be concentrated in one area

## Section 6. Construction Standards

### 6.1 Room Finishes:

*a.* Floors shall be smooth, easily cleaned and slip resistant.

*b.* Walls shall have a smooth surface with painted or equally washable finish. At the base they shall be free from spaces which may harbor insects.

*c.* Ceilings shall be smooth and easily cleaned. It is recommended that ceilings in areas which might become noisy be acoustically treated (corridors, nurses' stations, utility rooms and isolation room).

### 6.2 Structural:

*a.* All construction shall be in accordance with applicable local building codes and regulations. In areas which are not subject to local building codes, the recommendations of the following nationally recognized technical and engineering authorities shall be used:

1. *American Concrete Institute*—For structures built of reinforced concrete.

2. *American Standards Association* — For standard practice in masonry construction.

3. *American Society of Testing Materials*—For methods of testing for metals and masonry construction. For methods of standard fire tests of building construction.

4. *National Lumber Manufacturers' Association*—For good practice in the use of wood.

5. *National Board of Fire Underwriters*—For fire resistance ratings of materials and construction.

6. *National Bureau of Standards*—For fire resistance ratings of materials and construction.

*b.* The buildings and all parts thereof shall be of sufficient strength to support all dead, live and lateral loads without exceeding the working stresses permitted for the materials of their construction in generally accepted good engineering practices.

### 6.3 Mechanical:

*a.* A centralized heating system capable of maintaining a minimum temperature of seventy-eight degrees F. shall be provided. Unit or space heaters which consume oxygen from areas which may be occupied or are capable of causing injury or burns are prohibited.

All pressure vessels, fired and unfired, shall

comply with the rules and regulations of the state bureau of labor.

### *b.* Ventilation:

1. Rooms which do not have outside windows and which are used by patients or nursing home personnel shall be provided with forced ventilation to change the air at least once every seven minutes.

2. Kitchens and laundries which are located inside the home shall be ventilated by exhaust systems which will discharge the air above the main roof or fifty feet from any window. The air in the work spaces shall be exhausted at least once every seven minutes with the greater part of the air being taken from the flatwork ironer and ranges.

*c.* Plumbing, drainage and water supply shall comply with all applicable local codes or applicable provisions of the state plumbing Code.

Plumbing fixtures shall comply with all applicable local codes or the applicable provisions of the state plumbing Code.

*d.* Gas piping shall be installed and appliances connected in accordance with the requirements of the company furnishing the gas, and the state fire marshal.

*e.* Oxygen systems. Where installed, the piping, outlets, manifolds, manifold rooms and storage rooms shall be in accordance with the requirements of the current edition of the N.F.P.A. Bulletin No. 565.

**6.4 Electrical:** The electrical system and equipment shall be in accordance with applicable local codes and regulations. Where such codes are not in effect, or where they do not cover special installations, the national electrical Code shall govern.

**6.5 Elevators and Dumbwaiters:** Where installed shall comply with the rules and regulations of the state bureau of labor.

### 6.6 Design Details:

*a.* Door width: Three feet eight inches (three feet ten inches preferable) at all doors through which patients may traverse. Doors at least three feet wide will be permitted at individual toilets adjacent to patients' bedrooms.

*b.* No doors shall swing into the corridor except closet doors.

*c.* Passenger elevators: Platform size—not less than five feet four inches by eight feet. Door opening not less than three feet ten inches.

*d.* Laundry chutes: Two feet minimum inside diameter. Chute to be vented from the top to the atmosphere. Flushing ring, manually valved, to be provided at the top of the chute.

*e.* Nurses' call system: At least one call station in each patient room and toilet room.

1. Corridor dome light over each patient room door.

2. Signal light and buzzer at nurse's station, utility room and floor pantry.

*f.* Incinerators shall be of such design, construction and capacity to fulfill the needs of

the home. The gases shall be carried to a point above the roof.

## Footnotes:

- (1) Desirable
- (2) May be combined

## APPENDIX A

## CARING FOR CHILDREN UNDER TWENTY-ONE YEARS OF AGE

[Amendment filed December 14, 1965]

**1.1 (135C) Definitions and Applicability.**

**1.1 (1)** A nursing home for children is a facility for those under twenty-one years of age who are physically and/or mentally handicapped, and others who are in need of nursing care.

**1.1 (2)** The child care unit is an administrative entity of not more than thirty beds which is under the immediate observation and control of a qualified nurse.

**1.1 (3)** Nursing homes which offer care for children shall provide facilities and staffing completely separate from those provided adult patients or residents. The children shall be completely segregated from adult patients or residents.

**1.1 (4)** All nursing homes which offer care for children shall comply with the requirements of Division I, the nursing home act; Division II, regulations for nursing homes; Division III, construction standards for new nursing homes; and the fire regulations for nursing homes with the following modifications and additions.

**1.2 (135C) Administrative Policies.**

**1.2 (1)** All applicants for a license to operate a nursing home which will care for children shall appear upon request at the Iowa State Department of Health for the purposes of reviewing their proposed operational programs, the qualifications of the operator and other personnel, and to consider with the health department the rules and regulations pertaining to the operation and construction of a nursing home for children.

**1.2 (2)** A policy and procedure manual shall be prepared by each facility providing nursing care for children. The manual shall outline the duties of the nurses, attendants, and other personnel. It shall also include the requirements for admission and the provisions for discharge of the patient.

**1.2 (3)** A utilization review plan should be provided to review medical necessity of admissions, duration of stays, professional services, and transfer to hospitals or other health care facilities.

**1.3 (135C) Medical Care Policies.**

**1.3 (1)** The medical services shall be under the guidance of a qualified physician licensed in Iowa and preferably experienced in pediatrics or neurology. He shall be responsible for direct care of patients who do not have their own private physician.

**1.3 (2)** Prior to admission, each patient shall have a dental examination and a complete examination, including appropriate immunizations and a skin test for tuberculosis. Patients shall have a semiannual dental examination and an annual physical examination. Each patient shall be seen as frequently as necessary by a physician but at no less than three month intervals.

**1.3 (3)** A program of care shall be developed and recorded for each individual patient in accordance with his needs and potentials as outlined by a physician licensed in Iowa.

**1.3 (4)** Children requiring hospital care shall be moved from the home immediately.

**1.4 (135C) Nurse Staffing for Care Units.**

**1.4 (1)** The following nursing staff requirements shall apply to the children's unit only. The staff of children's nursing units shall be exclusive of nursing personnel in all other units. Facilities admitting children under twenty-one years of age shall have separate units not to exceed thirty beds.

**1.4 (2)** Each unit shall have a registered nurse licensed in Iowa in charge. The nurse shall be employed full time and the duty hours shall fall between the hours of 7 a.m. and 7 p.m. A qualified registered nurse or licensed practical nurse shall be employed on each of the three shifts in each of the thirty bed pediatric units.

**1.4 (3)** All nursing personnel should receive instruction in pediatric nursing. There is need of a continual in-service educational program appropriate for all levels of personnel.

**1.4 (4)** There shall be adequate numbers of additional nursing personnel on duty at all times to provide proper care to patients such as feeding, frequent change of position, careful watchfulness to prevent injury, frequent diapering and bathing, and other nursing care responsibilities.

**1.5 (135C) Nursing Care.**

**1.5 (1)** Baths and shampoos shall be given as often as necessary. Teeth shall be brushed three times daily for those unable to do so themselves.

**1.5 (2)** Changes of clothing shall be provided daily, and as many more times as needed to keep the children clean.

**1.5 (3)** Haircuts, shall be provided as needed.

**1.5 (4)** Appropriate attention shall be given to fingernails and toenails.

**1.5 (5)** Skin care shall be given to prevent pressure sores, heat rashes, or other skin breakdown. Each child shall be checked as frequently as deemed necessary.

**1.5 (6)** Appropriate and safe padding of bed or other equipment shall be provided as needed to prevent injury.

**1.5 (7)** Each child shall be taken out of his bed at least twice daily, unless otherwise indicated.

1.5 (8) Each child, unless it is contraindicated, shall be removed from his bed and held or placed in a chair for all feedings.

1.5 (9) Each child shall be encouraged to adopt food habits as near as possible to that of normal children. Gavage feedings (introduction of food into the stomach by a tube) shall not be given unless ordered in writing by a physician.

1.5 (10) Each child shall be weighed on admission and at least once a month thereafter.

1.5 (11) Restraints shall not be used except in an emergency. These shall be applied only on the written order of the attending physician. Patients who are restrained shall be protected from the physical and mental abuse of other patients.

#### 1.6 (135C) Other Services.

1.6 (1) When appropriate there shall be a minimum of two supervised activity periods per day of a duration appropriate for the individual children. Trained volunteers may be used for this supervision. Helpless children shall be protected from active children during play periods.

1.6 (2) Services of a registered physical therapist and a teacher, appropriately certified by the department of public instruction, shall be made available to those children who can benefit from such services. The registered physical therapist and certified teacher may be public employees or employed by the nursing home.

1.6 (3) Each child shall be taught, when possible, personal hygiene, oral hygiene, toilet training, and other self help skills.

1.6 (4) Separate facilities should be made available for normal impressionable children.

#### 1.7 (135C) Patient Records.

There shall be compliance with the requirements of Section 1.6 (3) of Division II and, in addition, a record of immunizations and past acquired communicable diseases shall be maintained for each patient.

#### 1.8 (135C) Food Service.

##### 1.8 (1) Service.

a. The food served to the children shall be adequate to meet their needs and shall conform to the U. S. Department of Agriculture Handbook No. 16, Planning Food for Institutions.

b. A recommended reference guide for meal planning is the Simplified Diet Manual by the Nutrition Service of the Iowa State Department of Health and the Iowa Dietetic Association, published by the Iowa State University Press.

c. Modified diets shall be served as ordered by a physician.

d. The meals shall be served in an attractive manner, in amounts and forms suitable for children, and in accordance with any impairment which might affect the ability of the patient to handle the food.

(1) *Table Service:* The dining area

shall be clean and attractive. Tables shall be thoroughly cleaned after each meal service.

(2) *Tray Service:* Trays shall be of a quality which will not deteriorate under hot water or mechanical dishwashing. Dishes shall be of durable china or plastic, free from chips, cracks, or stains.

e. At least three meals per day shall be served with a minimum of ten hours between breakfast and the evening meal. The following low cost food plan shows quantities of food as purchased for one person for seven days at ages specified.

Food Groups	Age	Age	Age	Age
	Range	Range	13-20 Range Years	13-20 Range Years
Leafy Green and Yellow Veg. - lbs.	1¾	3	3	3½-4
Citrus Fruit				
Tomatoes - lbs.	1¾	2½	2¾	3-3½
Potatoes, Sweet				
Potatoes - lbs.	1-1½	2	2¾	3-4
Other Fruits and Vegetables - lbs.	1½	3	3½	3-4
Milk - equivalent - qts.	5½	6-7	6-7	7
Meat, Poultry and Fish - lbs.	¾-1½	3	3½	4-4½
Eggs, number	6	7	7	7
Dry Beans, Peas, and Nuts - lbs.		1¾	1½	3
Flour, Equivalent - lbs.	1¼-1¾	2+	2¾	4
Fats and Oils - lbs.	¾-¾	½-¾	¾-1	1-1½
Sugar Syrups, Preserves - lbs.	¾-¾	¾-1	1	1-1½

f. A formula preparation section with adequate work space shall be provided in the kitchen. This area shall contain a lavatory supplied with hot and cold water, soap dispenser and disposable toweling.

#### 1.9 (135C) Buildings and Grounds.

All nursing homes caring for children shall comply with the requirements of Division III, with the following modifications and additions.

##### 1.9 (1) Bathrooms.

a. If centralized toilets are provided, there shall be a minimum of one lavatory and one water closet for each five children and one bathtub for each eight children. One bathtub may be replaced by one shower in each nursing unit. The fixtures shall be of proper design and installed so as to satisfactorily serve the type of children who will be using them. One of the water closet enclosures in each toilet room should be at least five feet by six feet to permit toilet training for those in wheel chairs, on crutches, or who are otherwise disabled.

b. There shall be separate toilet and bathing facilities on each floor for boys and girls.

c. Each nursing unit shall have provisions for bed pan handling and sterilization.



**1.9 (2) Play Area.**

a. There shall be an indoor play area for all children. This area shall be in a separate room from the bedrooms. Dining and day room facilities may be combined for use as a play area. If these facilities are separate rooms, the square footage of each shall be twenty-five square feet per bed for seventy-five percent of the beds. If these rooms are combined, the square footage required shall be forty square feet per bed for seventy-five percent of the beds. When these facilities are combined or adjacent, they provide more room for recreational and other group centered activities.

b. Safe and easily cleanable play pens shall be provided for children who can use them. Wooden play pens shall not be used.

c. Washable toys and other developmental equipment shall be provided and shall be of a safe nature and easily cleanable.

d. A fenced outdoor recreational area shall be provided. Seventy-five square feet per bed is required per patient in the outdoor area. Equipment for both the indoor and outdoor areas must be appropriate for all patients. A responsible person must supervise the patients in these areas at all times.

**1.9 (3) Bedrooms.**

a. No patients' room shall contain more than six beds, nor have beds more than three deep from an outside wall. Not more than two beds per patient room is desirable.

b. An area of eighty square feet per bed shall be supplied in multiple bedrooms and one hundred square feet in single bedrooms. Cribs shall be considered as beds.

c. The design of the unit shall be such that close observation of patients is possible at all time through clear glazing located between the corridor and patient room or in some other acceptable manner.

d. Children shall have individual beds.

e. Beds and cribs shall be of safe and cleanable standard hospital or dormitory construction. Each patient shall have a bed or crib appropriate to his individual needs. The type of bed will depend largely on his mental functions and physical abilities as well as on his age and size. Each patient shall have an individualized and accessible storage area for personal belongings. Storage may be in drawers built into the bed or bedside tables.

f. There shall be separate bedrooms for boys and for girls over five years of age.

g. At least two double rooms with private toilets shall be provided in each thirty bed unit for purposes of medical isolation or incompatibility with other patients in the home.

h. No patients' rooms shall be located on any floor which is below grade.

i. Each bedroom shall contain hand-washing facilities.

**1.9 (4)** An examination and treatment room shall be provided.

**1.9 (5)** Architectural barriers that would restrict the free movement and use of facilities shall be eliminated wherever possible.

These rules are intended to implement Section 135C.14, Code of Iowa, 1962.

[Filed December 14, 1965]

**DIVISION IV****Custodial Homes:****Section 1. Admission Policies**

**1.1** Refer to Division II, Section 2.1

**1.2** No person under twenty-one years of age shall be admitted to a home licensed under this Act.

**Section 2. Administration and Staff Policies**

**2.1** Refer to Division II, Section 3.1

**2.2** Refer to Division II, Section 3.3

**2.3** Refer to Division II, Section 3.4

**2.4** There shall be a sufficient staff of qualified and responsible persons of suitable age, character, temperament and ability to function in their appointed capacities to provide proper and adequate care for the residents and the premises.

**2.5** The staff engaged in the supervision of residents must be of sufficient number to provide twenty-four hour service according to the needs of the residents.

**Section 3. Personnel****3.1 General Qualifications:**

a. The person or persons employed to supervise the care of residents shall be capable of selecting and directing personnel and residents. It is recommended that such person has had previous experience with elderly people.

b. All persons employed in a custodial home shall be at least eighteen years of age and not more than seventy years of age.

c. Refer to Division II, Section 4.1, "h"

d. Refer to Division II, Section 4.1, "i"

e. Refer to Division II, Section 4.1, "e"

**3.2 Medical Supervision**

a. Each resident shall have a complete physical examination immediately before admission to the home or within a week after admission. A record of the examination, signed by the physician making the examination, shall be kept on file in the home.

b. Each resident shall be allowed free choice of a physician.

c. Arrangements shall be made with a qualified physician to be available for emergencies in the home in case the resident's own physician cannot be reached.

d. Each resident shall be visited by or shall visit his physician at least once every year.

e. Any specific order given by a physician for the treatment, medication or care of any resident shall be in writing.

**Section 4. Resident Policies****4.1 Resident Care and Personal Service:**

a. Beds shall be made daily and adjusted as necessary. A complete change of linen shall be

made at least once a week and more often if necessary.

b. Each resident shall be offered sufficient care to maintain personal cleanliness. The care shall include baths, attention to hair, skin, nails, oral hygiene, clothing and physical surroundings.

c. Residents shall have clean clothing as needed to present a decent appearance, to be free of odors and be comfortable.

d. Temporary nursing service shall be provided the residents for short illnesses and minor ailments. A resident requiring bed care or special nursing service for more than seventy-two hours shall be transferred to a nursing home or hospital unless a physician indicates in writing that the resident may be cared for satisfactorily in present accommodations. The maximum time a resident may continue under bed care or special nursing services is fourteen days.

e. Residents should be encouraged to leave their rooms and make use of the recreational facilities of the home.

f. Medications and treatments ordered by the physician shall be administered or supervised by the personnel employed to supervise residents' care.

g. Residents in the home shall be required to bathe at least once each week. Tubs and showers shall be cleansed and disinfected following each use.

**4.2 Restraints:** Residents shall not be kept behind locked doors. If it becomes necessary to temporarily confine a resident in his room, a half door or screen door with a hook fastener shall be used.

#### 4.3 Resident Privileges:

a. The manager shall not regulate or control the personal life of a resident beyond reasonable requirements for adherence to meal schedules, bedtime hours and other elements of group living.

b. Residents shall be allowed individual freedom to attend the churches of their choice, movies, go for walks, and engage in other outside activities so long as they are physically and mentally able.

c. Visiting shall be allowed, friends or relatives shall have access to the premises for visiting purposes. Reasonable visiting hours may be established. If there are established visiting hours, the hours shall be posted in a conspicuous place.

d. A resident's pastor shall be permitted to visit him at all reasonable hours. Privacy for consultation, communion or interviews with other professional people shall be the privilege of every resident.

e. There shall be a written agreement between the manager and resident, relative to the cost of care. The agreement shall be signed by both parties or their legal representatives.

f. Lounges or sitting rooms shall be kept open and accessible to all residents at all

reasonable times and care shall be taken to keep rooms in orderly and comfortable condition.

### Section 5. Records

**5.1 Personnel.** Refer to Division II, Section 6.1

**5.2** Refer to Division II, Section 6.2

#### 5.3 Resident Records:

a. Admission Record: The manager shall keep a permanent admission record on all residents admitted to the home. The following information shall be recorded:

Date of admission and discharge

Name and address of resident

Birthplace, marital status of resident

Financial responsibility

Church affiliation

Physician's name, telephone number and address

Undertaker's name, telephone number and address

Name and address of nearest relative or friend

Name and address and telephone number of person to be notified in emergency

Admission diagnosis—Discharge diagnosis

b. Refer to Division II, Section 6.3, "b"

c. Doctor's Orders: All orders for treatments and medication shall be written by the physician. No treatments or medicines shall be given without a physician's order.

d. Resident Treatment Records: In case of temporary illness a record shall be kept. The record shall include the following information:

Date, time and dosage of each medication administered

Date, time of all treatments and dressings

Date, time of physician's visit

Record of all pertinent factors pertaining to the resident's condition

Record of all accidents to the resident in the home

Date, time of discharge or death

e. Refer to Division II, Section 6.3, "f"

#### 5.4 Reports:

a. Refer to Division II, Section 6.4, "a"

b. Refer to Division II, Section 6.4, "b"

c. The custodial home license shall be surrendered to the department on change of ownership, name or location of the custodial home, death of the licensee, or in case of ceasing to operate as a custodial home.

d. Change from a licensed custodial home to a nursing home shall be made by return of the custodial home license to the department and filing an application for a nursing home license within the licensing year.

e. Refer to Division II, Section 6.4, "e"

### Section 6. Furnishings and Equipment

#### 6.1 Communication:

a. Every home shall have at least one telephone within the building and such additional telephones as are required to summon help promptly in case of an emergency. A tele-

phone shall be provided for the use of residents in the home.

b. Refer to Division II, Section 7.1, "b"

### 6.2 Bedrooms:

a. Each resident shall be provided with a bed. A standard single or twin bed, substantially constructed and in good repair. Rollaway beds, metal cots or folding beds are not acceptable. Beds shall have head and foot boards.

b. Refer to Division II, Section 7.2, "b"

c. Each resident shall have a bedside table or its equivalent with compartments or drawers to accommodate personal possessions.

d. There shall be a comfortable chair, either a rocking chair or armchair, per resident bed.

e. There shall be a chest of drawers or a bureau with drawers for the resident's clothing. In multiple rooms, drawer space will be assigned each resident.

f. There shall be a wardrobe or a closet in each resident's room. In multiple rooms, closet or wardrobe space shall be assigned each resident.

g. There shall be a call system or at least one call bell provided for each resident's room and bathroom.

h. Reading lamps or bed lamps are recommended for each resident's bed.

i. Bed screens or curtains shall be supplied in semiprivate or multibed rooms to insure privacy for resident as desired.

j. Refer to Division II, Section 7.2, "j"

k. Refer to Division II, Section 7.2, "k"

### 6.3 Bath and Toilet Facilities:

a. Toilet facilities: Toilet and bath facilities shall be provided in number ample for use according to number of residents of both sexes, and personnel of the institution. Minimum requirements shall be one lavatory, one toilet and one shower or tub for each ten persons, or fraction thereof, of each sex. Grab bars shall be provided at all toilets and bathtubs.

b. In custodial homes where the total occupancy of family, employees and residents is six or less, one toilet and one tub or shower shall be the acceptable minimum requirement.

c. Toilet and bathing facilities shall not open directly onto food-preparation areas nor shall be located in such manner that residents must pass through food-preparation areas to reach the bathroom.

6.4 Refer to Division II, Section 7.4

### 6.5 Living Room:

a. A living room or parlor shall be provided for the exclusive use of residents and their visitors and may be used for recreational activities.

b. Refer to Division II, Section 7.5, "c"

c. Refer to Division II, Section 7.5, "d"

### 6.6 Dining Room:

a. A dining room shall be provided and it shall be maintained in a satisfactory manner.

b. Residents shall be encouraged to eat in the dining room.

c. Refer to Division II, Section 7.6, "c"

d. Refer to Division II, Section 7.6, "d"

e. Refer to Division II, Section 7.6, "e"

### 6.7 Linen Supply and Storage:

a. Refer to Division II, Section 7.8, "a"

b. A supply of linen shall be available so that each resident shall have at least two clean wash cloths, two hand towels, two bath towels, two pillow cases and two sheets each week.

c. A sufficient supply of bed blankets shall be available to keep the residents clean and comfortable.

### 6.8 First Aid and Sickroom Supplies:

a. Equipment and supplies for first aid shall be available at all times.

b. Sickroom supplies shall be available so that bed care can be given to ill residents whenever necessary.

### Section 7. Drug Storage

7.1 A cabinet with a lock shall be provided and used for the storage of all drugs.

7.2 The drug cabinet shall be in an area that is convenient for use by the attendants at all times. The drug cabinet shall not be in the bathroom.

7.3 Biologicals and other medications requiring refrigeration shall be kept in a refrigerator. The kitchen refrigerator may be used for this purpose if drugs are stored on a specific shelf and are plainly labeled with the resident's name.

7.4 No medications, prescriptions included, shall be dispensed to a resident without the written order signed by the attending physician.

7.5 No medicine prescribed for one resident may be administered to or allowed in the possession of another resident.

7.6 When a resident is discharged or leaves the home, the unused prescription shall be sent with him or a responsible agent.

7.7 If a resident expires, the unused prescription shall be returned to the physician or destroyed in accordance with the physician's instruction.

### Section 8. Food and Food Service

8.1 Refer to Division II, Section 10.1

8.2 Refer to Division II, Section 10.2

8.3 Refer to Division II, Section 10.3

8.4 Residents' meals shall be served in an attractive manner and all meals should have appetite appeal.

a. Refer to Division II, Section 10.4, "a"

b. Refer to Division II, Section 10.4, "b"

c. Refer to Division II, Section 10.4, "c"

d. Refer to Division II, Section 10.4, "d"

8.5 Mashed or strained vegetables and ground meats shall be prepared for those residents who have mastication or digestion difficulty.

8.6 Between meal snacks and nourishment shall be available when ordered by the physician for residents who are undernourished or who have poor appetites.

8.7 Refer to Division II, Section 10.7

8.8 Refer to Division II, Section 10.8

8.9 Refer to Division II, Section 10.9

### Section 9. Family and Employee Accommodations

9.1 Refer to Division II, Section 11.1

9.2 Operators' or employees' small children shall not be allowed into the area where custodial home patients are housed or in service areas.

9.3 Refer to Division II, Section 11.3

9.4 In custodial homes where the total occupancy of family, employees, and residents is six or less, one toilet and one tub or shower shall be the minimum requirement.

### Section 10. Sanitation

Refer to Division II, Section 12

## DESIGN AND CONSTRUCTION OF NEW CUSTODIAL HOMES

### DIVISION V

Section 1. Refer to Division III, Section 1

Section 2. Refer to Division III, Section 2

Section 3. Refer to Division II

### Section 4. General Requirements

4.1 Refer to Division III, Section 4.1

4.2 Refer to Division III, Section 4.3

4.3 Refer to Division III, Section 4.4

4.4 When the conversion of a building for custodial home use is contemplated, the proposal shall be submitted to the department for review and approval.

### Section 5. Elements of Minimum Design

5.1 Various schemes of design may be used for this type of institution. The schemes may vary from single bedrooms, to apartments of one, two or more rooms, to individual cottages. The needs of the individual occupants to be accommodated and the needs and mode of operation of each individual home must be taken into consideration in the ultimate design. The following items shall be the minimum requirements for all schemes of design:

#### 5.2 Administration Department:

Business office (2)

Administrator's office (2)

#### 5.3 Ancillary Facilities:

Living room (2)

Recreation room (2)

Facilities for religious services (2)

Library (1)

Dining room—Provide at least fifteen square feet per person. Dining room may be reduced in size if home is composed of apartments and cooking and dining facilities provided in each apartment.

#### 5.4 Bedrooms:

a. No bedroom shall have more than six beds, not more than three beds deep from outside wall. It is desirable that married couples be accommodated in semiprivate rooms and that single persons be accommodated in private rooms.

b. Each bedroom shall have a lavatory (except in apartment schemes or cottages).

c. Individual room toilets are recommended. A toilet shall be provided in each apartment or cottage.

d. Single bedrooms shall be at least one hundred square feet in size and multiple bedrooms eighty square feet per bed.

e. All corridors used by residents shall be at least seven feet wide. Handrails shall be provided.

5.5 **Medical Isolation:** A room containing from one to six beds, at a ratio of one bed for every twenty residents, shall be set up for medical isolation. (See Division IV, Section 4.1, "d") The room shall be of size to provide a minimum of eighty square feet per bed.

5.6 **Toilet Facilities:** If centralized toilets are provided, a toilet room for each sex at a ratio of one water closet to each eight beds will be required. Appropriate grab bars shall be provided at each water closet. It is recommended that an enclosure at least five feet by six feet be provided to permit toilet training.

5.7 **Bathing Facilities:** A separate bathroom for each sex containing at least one bathtub with appropriate grab bars and/or one shower, with appropriate grab bars, shall be provided. A ratio of one bathtub or one shower for each ten beds is required.

#### 5.8 Service Department:

Kitchen

Dishwashing facilities

Refrigeration facilities

Garbage handling and storage

Personnel dining facilities

Housekeeping facilities

1. Clean linen facilities

2. Soiled linen facilities

Heating plant

Employee locker room and toilet

General storage at least fifteen square feet per bed and to be concentrated in one area.

### Section 6. Construction Standards

Refer to Division III, Section 6.

#### Footnotes:

(1) Desirable

(2) May be combined

STATE PLUMBING CODE  
CHAPTER 1  
DEFINITIONS  
[Amended March 18, 1964]

1.1 (135) **General**

1.1 (1) *Meaning.* For the purpose of this code, the following terms shall have the meaning indicated in this chapter.

1.1 (2) *Scope.* No attempt is made to define ordinary words which are used in accordance with their established dictionary meaning except where the word has been loosely used and it is necessary to define its meaning as used in this code to avoid misunderstanding.

1.2 (135) **Definitions of Terms**

1.2 (1) *Administrative authority.* The administrative authority is the individual official, board, department, or agency established and authorized by law to administer and enforce the provisions of the plumbing ordinance as adopted or amended. (See Iowa Law Sec. 368.17, Code of Iowa 1954.)

1.2 (2) *Air gap.* An air gap in a water-supply system is the unobstructed vertical distance through the free atmosphere between the lowest opening from any pipe or faucet supplying water to a tank, plumbing fixture, or other device and the flood-level rim of the receptacle.

1.2 (3) *Anchors*—See Supports.

1.2 (4) *Approved.* Approved means accepted or acceptable under an applicable specification stated or cited in this code, or accepted as suitable for the proposed use under procedures and powers of the state department of health.

1.2 (5) *Area drain.* An area drain is a receptacle designed to collect surface or rain water from an open area.

1.2 (6) *Backflow.* Backflow is the flow of water or other liquids, mixtures, or substances into the distributing pipes of a potable supply of water from any source or sources other than its intended source.

1.2 (7) *Backflow preventer.* A backflow preventer is a device or means to prevent backflow into the potable water system.

1.2 (8) *Back-siphonage.* Back-siphonage is the flowing back of used, contaminated, or polluted water from a plumbing fixture or vessel into a water supply pipe due to a negative pressure in such pipe. (See Backflow.)

1.2 (9) *Backflow of sewage or wastes.* The term backflow is also used to mean the flowing back of liquid wastes or sewage.

1.2 (10) *Battery of fixtures.* A "battery of fixtures" is any group of two or more similar adjacent fixtures which discharge into a common horizontal waste or soil branch.

1.2 (11) *Boiler blow-off.* A boiler blow-off is an outlet on a boiler to permit emptying or discharge of sediment.

1.2 (12) *Branch.* A branch is any part of

the piping system other than a main, riser, or stack.

1.2 (13) *Branch, fixture.* See Fixture Branch.

1.2 (14) *Branch, horizontal.* See Horizontal Branch.

1.2 (15) *Branch interval.* A branch interval is a length of soil or waste stack corresponding in general to a story height but in no case less than eight feet, within which the horizontal branches from one floor or story of a building are connected to the stack.

1.2 (16) *Branch vent.* A branch vent is a vent connecting one or more individual vents with a vent stack or stack vent.

1.2 (17) *Building.* A building is a structure built, erected, and framed of component structural parts designed for the housing, shelter, enclosure, or support of persons, animals, or property of any kind.

1.2 (18) *Building drain.* The building (house) drain is that part of the lowest piping of a drainage system which receives the discharge from soil, waste, and other drainage pipes inside the walls of the building and conveys it to the building (house) sewer beginning three feet outside the building wall.

1.2 (19) *Building sewer.* The building (house) sewer is that part of the horizontal piping of a drainage system which extends from the end of the building drain and which receives the discharge of the building drain and conveys it to a public sewer, private sewer, individual sewage-disposal system, or other point of disposal.

1.2 (20) *Building storm drain.* A building (house) storm drain is a building drain used for conveying rain water, surface water, ground water, subsurface water, or other similar discharge to a building storm sewer or a combined building sewer, extending to a point not less than three feet outside the building wall.

1.2 (21) *Building storm sewer.* A building (house) storm sewer is the extension from the building storm drain to the public storm sewer, combined sewer, or other point of disposal.

1.2 (22) *Building subdrain.* A building (house) subdrain is that portion of a drainage system which cannot drain by gravity into the building sewer.

1.2 (23) *Circuit vent.* A circuit vent is a branch vent that serves two or more traps and extends from in front of the last fixture connection of a horizontal branch to the vent stack.

1.2 (24) *Code.* The word "code" when used alone shall mean these regulations, subsequent amendments thereto, or any emergency rule or regulation which the administrative authority having jurisdiction may lawfully adopt.

1.2 (25) *Combination fixture.* A combination fixture is a fixture combining one sink and tray or a two- or three-compartment sink or tray in one integral unit.

**1.2 (26) Combined building sewer.** A combined building sewer receives storm water and sewage.

**1.2 (27) Common vent.** A common vent is a vent connection at the junction of two fixture drains and serving as a vent for both fixtures.

**1.2 (28) Conductor.** See Leader.

**1.2 (29) Continuous vent.** A continuous vent is a vertical vent that is a continuation of the drain to which it connects.

**1.2 (30) Continuous waste.** A continuous waste is a drain from two or three fixtures connected to a single trap.

**1.2 (31) Cross-connection.** A cross-connection is any physical connection or arrangement between two otherwise separate piping systems, one of which contains potable water and the other water of unknown or questionable safety, whereby water may flow from one system to the other, the direction of flow depending on the pressure differential between the two systems. (See Backflow and Back-siphonage.)

**1.2 (32) Dead-end.** A dead-end is a branch leading from a soil, waste, or vent pipe, building drain, or building sewer, which is terminated at a developed distance of two feet or more by means of a plug or other closed fitting.

**1.2 (33) Developed length.** The developed length of a pipe is its length along the center line of the pipe and fittings.

**1.2 (34) Diameter.** Unless specifically stated, the term "diameter" is the nominal diameter as designated commercially.

**1.2 (35) Double offset.** A double offset is two changes of direction installed in succession or series in continuous pipe.

**1.2 (36) Downspout.** See Leader.

**1.2 (37) Drain.** A drain is any pipe which carries waste water or water-borne wastes in a building drainage system.

**1.2 (38) Drainage system.** A drainage system (drainage piping) includes all the piping within public or private premises, which conveys sewage, rain water, or other liquid wastes to a legal point of disposal, but does not include the mains of a public sewer system or a private or public sewage-treatment or disposal plant.

**1.2 (39) Dual vent.** See Common Vent.

**1.2 (40) Durham system.** Durham system is a term used to describe soil or waste systems where all piping is of threaded pipe, tubing or other such rigid construction, using recessed drainage fittings to correspond to the types of piping.

**1.2 (41) Effective opening.** The effective opening is the minimum cross-sectional area at the point of water-supply discharge, measures are expressed in terms of: (1) Diameter of a circle, (2) If the opening is not circular, the diameter of a circle of equivalent cross-sectional area. (This is applicable to air gap.)

**1.2 (42) Fixture branch.** A fixture branch is a pipe connecting several fixtures.

**1.2 (43) Fixture drain.** A fixture drain is the drain from the trap of a fixture to the junction of that drain with any other drain pipe.

**1.2 (44) Fixture supply.** A fixture supply is a water-supply pipe connecting the fixture with the fixture branch.

**1.2 (45) Fixture unit.** A fixture unit is a design factor so chosen that the load producing values of the different plumbing fixtures can be expressed approximately as multiples of that factor.

**1.2 (46) Fixture-unit flow rate.** Fixture-unit flow rate is the total discharge flow in g.p.m. of a single fixture divided by seven and one-half which provides the flow rate of that particular plumbing fixture as a unit of flow. Fixtures are rated as multiple of this unit of flow.

**1.2 (47) Flood level.** See Flooded.

**1.2 (48) Flood-level rim.** The flood-level rim is the top edge of the receptacle from which water overflows.

**1.2 (49) Flooded.** A fixture is flooded when the liquid therein rises to the flood-level rim.

**1.2 (50) Flush valves.** A flush valve is a device located at the bottom of the tank for the purpose of flushing water closets and similar fixtures.

**1.2 (51) Flushometer valve.** A flushometer valve is a device which discharges a predetermined quantity of water to fixtures for flushing purposes and is actuated by direct water pressures.

**1.2 (52) Frostproof closet.** A frostproof closet (prohibited) is a hopper that has no water in the bowl and has the trap and the control valve for its water supply installed below the frost line.

**1.2 (53) Grade.** Grade is the slope or fall of a line of pipe in reference to a horizontal plane. In drainage it is usually expressed as the fall in a fraction of an inch per foot length of pipe.

**1.2 (54) Grease interceptor.** See Interceptor.

**1.2 (55) Grease trap.** See Interceptor.

**1.2 (56) Hangars.** See Supports.

**1.2 (57) Horizontal branch.** A horizontal branch is a drain pipe extending laterally from a soil or waste stack or building drain, with or without vertical sections or branches, which receives the discharge from one or more fixture drains and conducts it to the soil or waste stack or to the building (house) drain.

**1.2 (58) Horizontal pipe.** A horizontal pipe is any pipe or fitting which is installed in a horizontal position or which makes an angle of less than 45° with the horizontal.

**1.2 (59) House drain.** See Building Drain.

**1.2 (60) House sewer.** See Building Sewer.

**1.2 (61) Indirect waste pipe.** An indirect waste pipe is a pipe that does not connect directly with the drainage system but conveys liquid wastes by discharging into a plumbing fixture or receptacle which is directly connected to the drainage system.

**1.2 (62) Individual vent.** An individual vent

is a pipe installed to vent a fixture trap and which connects with the vent system above the fixture served or terminates in the open air.

**1.2 (63) Industrial wastes.** Industrial wastes are liquid wastes resulting from the processes employed in industrial establishments which do not contain domestic sewage.

*a. Liquid wastes.* Liquid wastes are the discharges from any fixture, appliance, area, or appurtenance, which do not contain fecal matter.

**1.2 (64) Interceptor.** An interceptor is a device designed and installed so as to separate and retain deleterious, hazardous, or undesirable matter from normal wastes and permit normal sewage or liquid wastes to discharge.

**1.2 (65) Leader.** A leader (downspout) is the water conductor from the roof to the building storm drain, combined building sewer, or other means of disposal.

**1.2 (66) Load factor.** Load factor is the percentage of the total connected fixture unit flow rate which is likely to occur at any point in the drainage system. It varies with the type of occupancy, the total flow unit above this point being considered, and with the probability factor of simultaneous use.

**1.2 (67) Loop vent.** A loop vent is the same as a circuit vent except that it loops back and connects with a stack vent instead of a vent stack.

**1.2 (68) Main.** The main of any system of continuous piping is the principal artery of the system, to which branches may be connected.

**1.2 (69) Main sewer.** See Public Sewer.

**1.2 (70) Main vent.** The main vent is the principal artery of the venting system, to which vent branches may be connected.

**1.2 (71) Offset.** An offset in a line of piping is a combination of elbows or bends which brings one section of the pipe out of line but into a line parallel with the other section.

**1.2 (72) Person.** Person is a natural person, his heirs, executors, administrators, or assigns; and includes a firm, partnership or corporation, its or their successors or assigns. Singular includes plural; male includes female.

**1.2 (73) Pitch.** See Grade.

**1.2 (74) Plumbing.** Plumbing includes the practice, materials, and fixtures used in the installation, maintenance, extension, and alteration of all piping, fixtures, appliances, and appurtenances in connection with any of the following: Sanitary drainage or storm drainage facilities, the venting system and the public or private water-supply systems, within or adjacent to any building, structure, or conveyance; also the practice and materials used in the installation, maintenance, extension, or alteration of the storm-water, liquid wastes, or sewerage, and water-supply systems of any premises to their connection with any point of public disposal or other acceptable terminal.

**1.2 (75) Plumbing fixtures.** Plumbing fixtures are installed receptacles, devices, or appliances which are supplied with water or which receive or discharge liquids or liquid-borne wastes, with or without discharge into the drainage system with which they may be directly or indirectly connected.

**1.2 (76) Plumbing inspector.** See Administrative authority.

**1.2 (77) Plumbing system.** The plumbing system includes the water-supply and distribution pipes; plumbing fixtures and traps; soil, waste, and vent pipes; building drains and building sewers including their respective connections, devices, and appurtenances within the property lines of the premises, and water-treating or water-using equipment.

**1.2 (78) Pool.** A pool is a water receptacle used for swimming or as a plunge or other bath, designed to accommodate more than one bather at a time.

**1.2 (79) Potable water.** Potable water is water which is satisfactory for drinking, culinary, and domestic purposes, and meets the standards of the state department of health.

**1.2 (80) Private or private use.** In the classification of plumbing fixtures, private supplies to fixtures in residences and apartments and to fixtures in private bathrooms of hotels and similar installations where the fixtures are intended for the use of a family or an individual.

**1.2 (81) Private sewer.** A private sewer is a sewer privately owned and not directly controlled by public authority.

**1.2 (82) Public or public use.** In the classification of plumbing fixtures, public applies to fixtures in general toilet rooms of schools, gymnasiums, hotels, railroad stations, public buildings, bars, public comfort stations, or places to which the public is invited or which are frequented by the public without special invitation, and other installations (whether pay or free) where a number of fixtures are installed so that their use is similarly unrestricted.

**1.2 (83) Public sewer.** A public sewer is a common sewer directly controlled by public authority.

**1.2 (84) Relief vent.** A relief vent is a vent the primary function of which is to provide circulation of air between drainage and vent systems.

**1.2 (85) Return offset.** A return offset is a double offset installed so as to return the pipe to its original alinement.

**1.2 (86) Rim.** A rim is an unobstructed open edge of a fixture.

**1.2 (87) Riser.** A riser is a water-supply pipe which extends vertically one full story or more to convey water to branches or fixtures.

**1.2 (88) Roof drain.** A roof drain is a drain installed to receive water collecting on the surface of a roof and to discharge it into the leader (downspout).

**1.2 (89) Roughing-in.** Roughing-in is the in-

stallation of all parts of the plumbing system which can be completed prior to the installation of fixtures. This includes drainage, water-supply, vent piping, and the necessary fixture supports.

**1.2 (90) Sand interceptor.** See Interceptor.

**1.2 (91) Sanitary sewer.** A sanitary sewer is a pipe which carries sewage and excludes storm, surface, and ground water.

**1.2 (92) Separator.** See Interceptor.

**1.2 (93) Septic tank.** A septic tank is a water-tight receptacle which receives the discharge of a drainage system or part thereof, and is designed and constructed so as to separate solids from the liquids, digest organic matter through a period of detention, and allow the settled sewage to discharge therefrom (usually) to some form of secondary treatment.

**1.2 (94) Secondary treatment.** Secondary treatment is provided for septic tank effluent by one or a combination of the following means, including: A system of open-jointed or perforated lines, laid in soil capable of absorbing the liquid; by buried or open sand filters with or without collector tile; or by other soil absorption systems all designed to reduce the organic matter in the liquid and dispose of the liquid without nuisance or public health hazard.

**1.2 (95) Sewage.** Sewage is any liquid waste containing animal or vegetable matter in suspension or solution, and may include liquids containing chemicals in solution.

*a. Domestic sewage.* Domestic sewage is the water-borne wastes derived from ordinary living processes.

**1.2 (96) Shall.** The word "shall" is a mandatory term.

**1.2 (97) Side vent.** A side vent is a vent connecting to the drain pipe through a fitting at an angle not greater than 45° to the vertical.

**1.2 (98) Slope.** See Grade.

**1.2 (99) Soil pipe.** A soil pipe is any pipe which conveys the discharge of water closets, urinals, or fixtures having similar functions, with or without the discharge from other fixtures, to the building drain or building sewer.

**1.2 (100) Special waste pipe.** See chapter 9.

**1.2 (101) Stack.** A stack is the vertical main of a system of soil, waste, or vent piping.

**1.2 (102) Stack group.** Stack group is a term applied to the location of fixtures in relation to the stack so that by means of proper fitting, vents may be reduced to a minimum.

**1.2 (103) Stack vent.** Stack vent (sometimes called a waste vent or soil vent) is the extension of a soil or waste stack above the highest horizontal drain connected to the stack.

**1.2 (104) Stack venting.** Stack venting is a method of venting a fixture or fixtures through the soil or waste stack.

**1.2 (105) Storm drain.** See Building storm drain.

**1.2 (106) Storm sewer.** A storm sewer is a

sewer used for conveying rain water, surface water, condensate, cooling water, or similar liquid wastes, exclusive of sewage and industrial waste.

**1.2 (107) Subsoil drain.** A subsoil drain is a drain which receives only subsurface or seepage water and conveys it to a place of disposal.

**1.2 (108) Sump.** A sump is a tank or pit which receives sewage or liquid waste, located below the normal grade of the gravity system and which must be emptied by mechanical means.

**1.2 (109) Supports.** Supports, hangers, and anchors are devices for supporting and securing pipe and fixtures to walls, ceilings, floors, or structural members.

**1.2 (110) Trap.** A trap is a fitting or device so designed and constructed as to provide, when properly vented, a liquid seal which will prevent the back passage of air without materially affecting the flow of sewage or waste water through it.

**1.2 (111) Trap seal.** The trap seal is the maximum vertical depth of liquid that a trap will retain, measured between the crown weir and the top of the dip of the trap.

**1.2 (112) Vacuum breaker.** See Backflow preventer.

**1.2 (113) Vent pipe.** See Vent system.

**1.2 (114) Vent stack.** A vent stack is a vertical vent pipe installed primarily for the purpose of providing circulation of air to and from any part of the drainage system.

**1.2 (115) Vent system.** A vent system is a pipe or pipes installed to provide a flow of air to or from a drainage system or to provide a circulation of air within such system to protect trap seals from siphonage and back pressure.

**1.2 (116) Vertical pipe.** A vertical pipe is any pipe or fitting which is installed in a vertical position or which makes an angle of not more than 45° with the vertical.

**1.2 (117) Waste.** See Industrial Wastes and Liquid Wastes.

**1.2 (118) Waste pipe.** A waste pipe is a pipe which conveys only liquid waste, free of fecal matter.

**1.2 (119) Water-distributing pipe.** A water-distributing pipe in a building or premises is a pipe which conveys water from the water-service pipe to the plumbing fixtures and other water outlets.

**1.2 (120) Water main.** The water (street) main is a water-supply pipe for public or community use.

**1.2 (121) Water outlet.** A water outlet, as used in connection with the water-distributing system is the discharge opening for the water (1) to a fixture; (2) to atmospheric pressure (except into an open tank which is part of the water-supply system); (3) to a boiler or heating system; (4) to any water-operated device or equipment requiring water to operate, but not a part of the plumbing system.

**1.2 (122) Water riser pipe.** See Riser.



**1.2 (123) Water-service pipe.** The water-service pipe is the pipe from the water main or other source of water supply to the building served.

**1.2 (124) Water-supply system.** The water-supply system of a building, or premises, consists of the water-service pipe, the water-distributing pipes, and the necessary connecting pipes, fittings, control valves and all appurtenances in or adjacent to the building or premises.

**1.2 (125) Wet vent.** A wet vent is a vent which receives the discharge from waste other than water closets.

**1.2 (126) Yoke vent.** A yoke vent is a pipe connecting upward from a soil or waste stack to a vent stack for the purpose of preventing pressure changes in the stacks.

CHAPTER 2  
GENERAL REGULATIONS  
[Amended March 18, 1964]

**2.1 (135) Conformance With Code**

**2.1 (1) Minimum requirements.** The provisions of this code shall be construed to establish minimum requirements. Local ordinances or rules and regulations may provide for higher, but not lower, standards, not inconsistent with the provisions herein, as authorized by section 368.17, Code of Iowa.

**2.1 (2) Applicability.** The provisions of this code are applicable to the plumbing in buildings and premises within cities and towns and to plumbing in buildings and premises located outside the corporate limits of any city or town but which are served by individual connections to municipal water supply or sewer systems located inside the corporate limits.

**2.2 (135) Horizontal Drainage Piping**

**2.2 (1) Uniform grade.** Horizontal drainage piping shall be run in practical alinement at a uniform grade. (See sec. 11.3 for specific slopes.)

**2.3 (135) Change in Direction**

**2.3 (1) Fittings.** Changes in direction in drainage piping shall be made by the appropriate use of 45° Y's, long-or-short-sweep quarter bends, sixth, eighth, or sixteenth bends, or by a combination of these or equivalent fittings. Single and double sanitary T's and quarter bends may be used in drainage lines only where the direction of flow is from the horizontal to the vertical.

**2.3 (2) Short sweeps.** Short sweeps no less than three inches in diameter may be used in soil and waste lines where the change in direction of flow is from either the horizontal to the vertical or from the vertical to the horizontal and may be used for making necessary offsets between the ceiling and the next floor above.

**2.4 (135) Fittings and Connections**

**2.4 (1) Fittings prohibited.** No double hub, double T, or double sanitary branch, twin ell, St. ell, or St. 45° ells shall be used on soil or waste lines. The drilling and burning of holes in, or the tapping of, house drains, soil, waste, or vent pipes, the use of saddle hubs and bends,

and the welding or brazing of parts into pipes to make fittings, are prohibited. Sanitary crosses having at least twice the diameter of the branch opening may be used in a vertical position. Cast iron closet bends shall be used only in or underground.

**2.4 (2) Heel or side-inlet bend.** A heel or side-inlet opening quarter bend shall not be used as a dry vent when the inlet is placed in a horizontal position.

**2.4 (3) Obstruction to flow.** No fitting, connection, device, or method of installation which obstructs or retards the flow of water, wastes, sewage, or air in the drainage or venting systems in an amount greater than the normal frictional resistance to flow, shall be used unless it is indicated as acceptable in this code, or is approved by the administrative authority as having a desirable and acceptable function and as of ultimate benefit to the proper and continuing functioning of the plumbing system. The enlargement of a three-inch closet bend or stub to four inches shall not be considered an obstruction. None of the methods described in subsections 2.27 (1), 2.27 (2), and 2.27 (3) shall be considered as restriction to flow.

**2.5 (135) Repairs and Alterations**

**2.5 (1) Existing buildings.** In existing buildings or premises in which plumbing installations are to be altered, repaired, or renovated, deviations from the provisions of this code may be permitted, provided such deviations are found to be necessary, conform to the intent of this code and are approved in writing by the administrative authority. When a building is moved from one location to another no additional work or connection shall be made until the plumbing in said building is inspected and if necessary reconstructed to comply with this code. Nor shall additional plumbing work be installed in any building where there is defective or improperly installed plumbing until such defects have been repaired, renovated, replaced, or removed.

**2.5 (2) Health or safety.** Wherever compliance with all the provisions of this code fails to eliminate or alleviate a nuisance which may involve health or safety hazards, the owner or his agent shall install such additional plumbing or drainage equipment as may be found necessary by the administrative authority.

**2.6 (135) Sewer and Water Pipes**

**2.6 (1) Separate trenches.** Water service pipes, or any underground water pipes, shall not be run or laid in the same trench as the building sewer or drainage piping, except as provided in chapters 10 and 11.

**2.7 (135) Trenching, Excavation, and Backfill**

**2.7 (1) Support of piping.** Buried piping shall be supported throughout its entire length.

**2.7 (2) Tunneling and driving.** Tunneling may be done in yards, courts, or driveways of any building site.

**2.7 (3) Open trenches.** All excavations re-

quired to be made for the installation of a building-drainage system, or any part thereof within the walls of a building, shall be open trench work. All such trenches and tunnels shall be kept open until the piping has been inspected, tested and accepted.

**2.7 (4) Mechanical excavation.** Mechanical means of excavation may be used.

**2.7 (5) Backfilling.** Adequate precaution shall be taken to insure proper compactness of backfill around piping without damage to such piping.

**2.7 (6) Backfill material.** Trenches shall be backfilled in thin layers to twelve inches above the top of the piping with clean earth which shall not contain stones, boulders, cinder-fill, or other materials which would damage or break the piping or cause corrosive action. Mechanical devices such as bulldozers, graders, etc., may be then used to complete backfill to grade. Fill shall be properly compacted.

### **2.8 (135) Structural Safety**

**2.8 (1) Safe condition required.** In the process of installing or repairing any part of a plumbing and drainage installation, the finished floors, walls, ceilings, tile work, or any other part of the building or premises which must be changed or replaced shall be left in a safe structural condition as determined by the proper administrative authority.

### **2.9 (135) Workmanship**

**2.9 (1) Conformance.** Workmanship shall conform to generally accepted good practice.

### **2.10 (135) Protection of Pipes**

**2.10 (1) Breakage and corrosion.** Pipes passing under or through walls shall be protected from breakage. Pipes passing through or under cinder or concrete or other corrosive material, shall be protected against external corrosion by protective coating, wrapping, or other means which will prevent such corrosion.

**2.10 (2) Cutting or notching.** No structural member shall be weakened or impaired by cutting, notching, or otherwise, except to the extent permitted by the proper administrative authority.

**2.10 (3) Pipes through footings or foundation walls.** A soil or waste pipe, or building drain passing under a footing or through a foundation wall shall be provided with a relieving arch; or there shall be built into the masonry wall a pipe sleeve two pipe sizes greater than the pipe passing through or equivalent protection shall be provided.

**2.10 (4) Freezing.** No water, soil or waste pipe shall be installed or permitted outside of a building or in an exterior wall unless adequate provision is made to protect such pipe from freezing where necessary.

### **2.11 (135) Damage to Drainage System or Public Sewer**

**2.11 (1) Hazardous materials prohibited.** No person shall deposit by any means into the

building drainage system or sewer any ashes; cinders; rags; inflammable, poisonous, or explosive liquids; gases; oils; or any other material which would or could obstruct, damage, or overload such system or sewer, except as herein provided.

### **2.12 (135) Industrial Waste**

**2.12 (1) Treatment and disposal.** Waste detrimental to the public sewer system or detrimental to the functioning of the sewage-treatment plant shall be treated and disposed of as found necessary and directed by the administrative authority having jurisdiction.

### **2.13 (135) Sleeves**

**2.13 (1) Exterior walls.** When directed, annular space between sleeves and pipes located in exterior walls shall be filled or tightly calked with coal tar or asphaltum compound, lead, or other material found equally effective and approved as such by the administrative authority.

### **2.14 (135) Ratproofing**

**2.14 (1) Exterior openings.** All exterior openings provided for the passage of piping shall be properly sealed with snugly fitting collars of metal or other approved rat-proof material securely fastened into place.

**2.14 (2) Interior openings.** Interior openings through walls, floors, and ceilings shall be rat-proofed as found necessary by the administrative authority.

### **2.15 (135) Used or Second-Hand Equipment**

**2.15 (1) Conformance required.** It shall be unlawful to purchase, sell, or install used equipment or material for plumbing installation unless it complies with the minimum standards set forth in this code.

### **2.16 (135) Condemned Equipment**

**2.16 (1) Prohibited.** Any plumbing equipment condemned by the administrative authority because of wear, damage, defects, or sanitary hazards, shall not be reused for plumbing purposes.

### **2.17 (135) Depth of Building Sewer and Water Service (Outside of Building)**

**2.17 (1) Frost protection.** Sewers and water-service piping shall be installed below the expected frost penetration.

### **2.18 (135) Piping in Relation to Footings**

**2.18 (1) Parallel.** No piping shall be laid parallel to footings or outside bearing walls closer than three feet, except as may be approved by the administrative authority, upon a finding that a less distance is safe. Such piping installed deeper than footings or bearing walls shall be 45° therefrom, except as may be approved by the administrative authority, upon a finding that a greater angle is safe.

### **2.19 (135) Drainage Below Sewer Level**

**2.19 (1) Installation.** Drainage piping located below the level of the sewer shall be installed as provided for in chapters 10 and 11.

**2.20 (135) Connections to Plumbing System Required**

**2.20 (1) Adequate connections.** All plumbing fixtures, drains, appurtenances, and appliances used to receive or discharge liquid wastes or sewage shall be connected properly to the drainage system of the building or premises; in accordance with the requirements of this code.

**2.21 (135) Sewer Required**

**2.21 (1) Connection.** Every building in which plumbing fixtures are installed shall have a connection to a public sewer or private sewer except as provided in subsection 2.22 (1).

**2.22 (135) Individual or Private Sewage Disposal System**

**2.22 (1) Individual system.** When a public sewer is not available for use, sewage and drainage piping shall be connected to an individual sewage disposal system of adequate capacity, and of proper location, design, and construction, to prevent an insanitary or stream pollution condition. A plan showing the location and the design of the sewage treatment facilities, and the location of any wells within seventy-five feet of the site, shall be filed with the application for a plumbing permit. See subsection 14.3 (1).

Under the provisions of the stream and lake pollution law, section 135.26, Code of Iowa, a permit for the disposal of sewage or waterborne wastes is required to be obtained from the state department of health; except that no permit is required for any new disposal system, or extension or addition to an existing disposal system, that receives or may receive only domestic sewage from a building to be occupied by fifteen persons or less. Plans and specifications for such installations must be submitted to the state department of health before a permit will be issued, and construction of such an installation shall not be started until such a permit has been obtained.

**2.23 (135) Location of Fixtures**

**2.23 (1) Light and ventilation.** Plumbing fixtures, except drinking fountains and single lavatories, shall be located in compartments or rooms provided with adequate ventilation and illumination.

**2.23 (2) Improper location.** Piping, fixtures, or equipment shall not be located in such a manner as to interfere with the normal operation of windows, doors, or other exit openings.

**2.24 (135) Piping Measurements**

**2.24 (1) Method.** Except where otherwise specified in this code, all measurements between pipes or between pipes and walls, etc., shall be made to the center lines of the pipes.

**2.25 (135) Venting**

**2.25 (1) Trap seal protection.** The drainage system shall be provided with a system of vent piping which will permit the admission or emission of air so that under no circumstances of normal or intended use shall the seal of any fixture trap be subjected to a

pressure differential of more than one inch of water.

**2.26 (135) Ventilation Ducts**

**2.26 (1) Independent system.** Ventilation ducts from washrooms and toilet rooms shall exhaust to the outer air or form a system independent of the plumbing vent system.

**2.26 (2) Gas water heaters.** All gas water heaters shall have a vent pipe of approved material installed so as to vent to the outside air; either through an established flue or independently through the roof. Rubber tubing shall not be used as gas supply lines.

**2.27 (135) Water Closet Connections**

**2.27 (1) Lead.** Three-inch lead bends and stubs may be used on water closets or similar connections, provided the inlet is dressed or expanded to receive a four-inch flange.

**2.27 (2) Reducing.** Four- by three-inch reducing bends are permitted.

**2.27 (3) Copper.** Three-inch copper bends may be used on water closets or similar connections provided a four by three inch flange is used to receive the fixture horn.

**2.27 (4) Cast iron.** Wall-hung water closets with cast iron drainage connections may be used when approved by the local administrative authority.

**2.28 (135) Dead Ends**

**2.28 (1) Restricted.** In the installation or removal of any part of a drainage system, dead ends shall be avoided except where necessary to extend a cleanout so as to be accessible.

**2.29 (135) Toilet Facilities for Workmen**

**2.29 (1) Facilities required.** Suitable toilet facilities shall be provided and maintained in a sanitary condition for the use of workmen during the construction of any building.

**CHAPTER 3****MATERIALS—QUALITY AND WEIGHT**

[March 18, 1964]

**3.1 (135) Materials**

[March 18, 1964]

**3.1 (1) Minimum standards.** The materials listed in this chapter shall conform at least to the current issues of the standards cited when used in the construction, installation, alteration, or repair of any part of a plumbing and drainage system, except that the administrative authority may allow the extension, addition, or relocation of existing soil, waste, or vent pipes with materials of like grade or quality, as permitted in subsection 2.5 (1).

Extra heavy weight cast iron soil and waste pipe may be either statically or centrifugally cast. Service weight cast iron soil and waste pipe shall be centrifugally or spun cast, or of equal quality.

**3.1 (2) Use of materials.** Each material listed in table 3.5 shall conform to the current issue of at least one of the standards cited opposite it. Its use shall be further governed by the requirements imposed in other chapters of this code. Materials not included in the table

shall be used only as provided in subsection 3.1 (1). Materials shall be free of manufacturing defects or damage, however occasioned, which would, or would tend to, render such materials defective, unsanitary, or otherwise improper to accomplish the purpose of this code.

**3.1 (3) Specifications for materials.** Standard specifications for materials for plumbing installations are listed in table 3.5. Products conforming at least to any of the specifications listed for a given material shall be considered acceptable. **Note 1**—Abbreviations used in table 3.5 refer to standards or specifications as identified below:

**ASA** American Standards approved by the American Standards Association, 70 East 45th St., New York 17, New York.

**ASTM** Standards and Tentative Standards published by the American Society for Testing Materials, 1916 Race St., Philadelphia 3, Pennsylvania.

**FS** Federal Specifications published by the Federal Specifications Board, and obtained from the Superintendent of Documents, Government Printing Office, Washington 25, D. C.

**AWWA** Standards and Tentative Standards published by the American Water Works Association, 500 Fifth Avenue, New York 18, New York.

**CS** Commercial Standards representing recorded voluntary recommendations of the trade, issued by the United States department of commerce, and obtainable from the Superintendent of Documents, Government Printing Office, Washington 25, D. C.

**MSS** Standards published by the Manufacturers Standardization Society of the Valve and Fittings Industry, 420 Lexington Ave., New York 17, New York.

**SPR** Simplified Practice Recommendations, representing recorded recommendations of the trade and issued by the United States department of commerce, Washington 25, D. C.

**NSF** Standards and approvals issued by the National Sanitation Foundation Testing Laboratories, Inc., School of Public Health, University of Michigan, Ann Arbor, Michigan.

**Note 2**—ASTM standards are issued under fixed designations; the final number indicates the year of original adoption, or in the case of revision the year of the last revision. T indicates Tentative. In the CS series of standards, also, the final number indicates the year of

issue. For Federal Specifications, the year indicated in table 3.5 is that of the date of issue or that of the latest revision or amendment.

**Note 3**—All standards and specifications for materials are subject to change. Designations carrying indication of the year of issue may thus become obsolete. Table 3.5 gives the full designations of standards current at the time this code is printed.

**3.1 (4) Identification of materials.** Each length of pipe, and each pipe fitting, trap, fixture, and device used in a plumbing system shall have cast, stamped or indelibly marked on it the maker's mark or name, the weight, type, and classes of the product, when such marking is required by the approved standard that applies. Septic tanks shall be marked with effective capacity and the gauge of metal.

Copper pipe and tubing used for water supply and distribution, and for drainage, waste, and vent installations, shall be marked in color code by the manufacturer in the form of a spiral or in the form of longitudinal stripes; which markings shall be clearly visible in the completed installation at the time of inspection.

**3.2 (135) Special Materials**

**3.2 (1) Lead.** See table 3.5. Sheet lead shall not be less than the following:

For safe pans—not less than four pounds per square foot.

For flashings of vent terminals—not less than three pounds per square foot.

Lead bends and lead traps shall be not less than one-eighth inch wall thickness.

**3.2 (2) Copper.** Sheet copper shall be not less than the following:

Safe pans—twelve ounces per square foot.

Vent terminal flashings—eight ounces per square foot.

**3.2 (3) Red brass ferrules.** Calking ferrules shall be manufactured from red brass and shall be in accordance with the following:

Pipe sizes (inches)	Inside diameter (inches)	Length (inches)	Minimum Wt. each lb. oz.
2	2¼	4½	1 0
3	3¼	4½	1 12
4	4¼	4½	2 8

**3.2 (4) Red brass bushings.** Soldering bushing shall be of red brass in accordance with the following:

Pipe sizes inches		Minimum weight each lb. oz.		Pipe sizes inches		Minimum weight each lb. oz.	
1¼	0	6	2½	1	6		
1½	0	8	3	2	0		
2	0	14	4	3	8		

**3.2 (5) Floor flanges.** Floor and wall flanges for water closets or similar fixtures shall be not less than one-eighth inch thick for brass,

one-fourth inch thick and not less than two-inch calking depth for cast iron or galvanized malleable iron. Flanges shall be soldered to

lead bends, or shall be calked or screwed to other metal. Closet screws and bolts shall be of brass.

**3.2 (6) Cleanouts.**

(a) Cleanout plugs shall be of brass and shall conform to Federal Specifications WW-P-401.

(b) Plugs may have raised square heads or counter sunk.

(c) Counter-sunk heads should be used where raised heads may cause a hazard.

**3.2 (7) Chemically stable materials.** Separate drainage and venting systems for chemical wastes shall be of corrosion resistant material approved by the administrative authority. Materials acceptable for such systems include prestressed low expansion borosilicate glass pipe, high silicon content wrought iron pipe, plastic pipe, lead pipe, or other material with equal properties and qualities suitable for the wastes to be conveyed.

**3.3 (135) Alternate Materials and Methods**

**3.3 (1) Existing premises.** In existing buildings or premises in which plumbing installations are to be altered, repaired, or renovated, the administrative authority has discretionary powers to permit deviation from the provisions of this code, provided that such a proposal to deviate is first submitted for proper determination in order that health and safety requirements, as they pertain to plumbing, shall be observed.

**3.3 (2) Approval.** Provisions of this code are not intended to prevent the use of any material, device, method of assemblage or installation, fixture, or appurtenance not specifically authorized, providing such alternate

has been approved by the administrative authority, in accordance with this section and the state department of health.

**3.3 (3) Evidence of compliance.** The administrative authority shall require sufficient evidence to enable him to judge whether proposed alternates meet the requirements of this code for safety and health.

**3.3 (4) Tests.** When there is insufficient evidence to substantiate claims for alternates, the administrative authority may require tests of compliance as proof to be made by an approved agency at the expense of the applicant.

**3.3 (5) Test procedure.** Tests shall be made in accordance with generally recognized standards; but in the absence of such standards, the administrative authority shall specify the test procedure.

**3.3 (6) Repeated tests.** The administrative authority may require tests to be repeated if, at any time, there is reason to believe that an alternate no longer conforms to the requirements on which its approval was based.

**3.4 (135) Approved Materials**

**3.4 (1) Periodic review.**

**Note**—All standards and specifications for materials are subject to change. Designations carrying indication of the year of issue may thus become obsolete. Table 3.5 gives the full designations of standards current at the time this code is printed.

**3.4 (2) Specific usage.** Each chapter of this code indicates specifically the type of material permitted for the various parts of the plumbing system. The standards for each of those materials are given in table 3.5.

**TABLE 3.5 MATERIALS FOR PLUMBING INSTALLATIONS**

Materials	See Subsections 3.1(2) and 3.4(2)			Other Standards Remarks
	ASA	ASTM	FS	
<b>Nonmetallic Piping</b>				
Clay Sewer Pipe			SS-P-361b(3)-1962 & Int. Amd.4-1962	
Standard Strength	A106.3-58	C13-57		
Clay Pipe Unglazed			SS-P-361b(3)-1962 & Int. Amd.4-1962	
Standard Strength	A106.4-61	C261-60T		
Clay Pipe			SS-P-361b(3)-1962 & Int. Amd.4-1962	
Extra Strength		C200-59T		
Clay Pipe Unglazed			SS-P-361b(3)-1962 & Int. Amd.4-1962	
Extra Strength		C278-60T		
Clay Pipe Perforated	A106.1-62	C211-61T	SS-P-359b-1960	
Clay Drain Tile		C4-62	SS-T-310-1942	
Concrete Sewer Pipe		C76-62T	SS-P-00371b-1962	Nonreinforced
Concrete Sewer Pipe		C14-59	SS-P-371a-1956	Nonreinforced
Bituminized Fibre Pipe and Fittings		D1861-61T	SS-P-356-1955	CS116-54 CS226-59
Asbestos Cement Sewer Pipe			SS-P-331b-1962	Non-Pressure
Asbestos Cement Water Pipe			SS-P-351a-1953	Pressure
Plastic Water Pipe & Fittings Flex. PE, series 2 & 3			L-P-00545-1962	CS255-63 nSf
Plastic Water Pipe & Fittings Rigid ABS		D1527-58T		CS254-63 nSf
Plastic Water Pipe & Fittings Rigid PVC		D1785-60T		CS256-63 nSf
Plastic Sewer Pipe & Fittings ABS		D1527-58T		CS254-63
Plastic Sewer Pipe & Fittings PVC				CS256-63
Plastic Sewer Pipe & Fittings PVC				CS237-61
Plastic Sewer Pipe & Fittings Styrene Rubber				CS228-61

Materials	See Subsections 3.1(2) and 3.4(2)			Other Standards Remarks
	ASA	ASTM	FS	
<b>Ferrous Pipe and Fittings</b>				
Cast Iron Soil Pipe & Fittings .....	A40.1-1935	A74-42	WW-P-00401b-1961	CS188-59 Amd.-I Service Weight
Cast Iron Water Pipe .....	A21.2-1953	A377-57	WW-P-421b(1)-1962	
Cast Iron (Threaded) Pipe .....	A40.5-1943		WW-P-356-1936	
Cast Iron (Screwed) Fittings .....	B16.4-1949		WW-P-501c(1)-1957	
Cast Iron Drainage Fittings .....	B16.12-1953		WW-P-491a(1)-1946	
Galvanized Pipe & Fittings .....		A93-59T	WW-P-406b-1961	Section D6
Wrought Iron Pipe (Welded) .....	B36.2-1961	A72-62T	WW-P-441b(1)-1953	
Steel Pipe .....		A120-62T	WW-P-406b-1961	Type I & II Type III only
Open Hearth Iron Pipe .....	B36.23-1959			
Malleable Iron Fittings, (Threaded) 150 lbs. ....	B16.3-1951	A338-61	WW-P-521d(1)-1960	
Steel Pipe Seamless & Welded, Black and Zinc Coated (Galvanized) .....		A120-62T	WW-P-404c(1)-1962	
Unions, Malleable Iron or Steel, 300 lb. ....			WW-U-536(1)-1933	CS7-29
Valves, Cast Iron, Gate, 125 & 250 lb. ....			WW-V-58(1)-1946	
Threaded and Flanged Pipe Fittings, Bronze and Ferrous (Bushings, Plugs & Lock Nuts), Threaded .....			WW-P-471a-1960	
Nipples, Pipe, Threaded .....			WW-N-351a(1)-1960	CS5-46
<b>Nonferrous Pipe and Fittings</b>				
Brass Tubing .....		B135-62T	WW-T-791(1)-1933	
Brass Pipe .....		B43-62	WW-P-351a-1963	
Brass or Bronze Flanged Fittings, 150 and 300 lb. ....	B16.24-1962			
Cast Brass Soldered Joint Fittings for Water Tube .....	B16.18-1950			
Cast Bronze Soldered Joint Drainage Fittings .....	B16.23-1960			
Brass or Bronze Screwed Fittings, 125 & 250 lb. ....	B16.15-1958		WW-P-460a-1961	
Copper Pipe .....	H26.1-1959	B42-62	WW-P-377d-1962	
Seamless Copper Tubing .....		B75-62	WW-T-797c-1963	
Copper Pipe Threadless .....		B302-62		
Copper Water Tube, Types K, L, M .....	H23.1-1959	B88-62	WW-T-799a(1)-1946	
Wrought Copper & Wrought Bronze Solder Joint Fittings .....	B16.22-1951			
Brass Fittings for Flared Copper Tubes .....	B16.26-1958			
Lead Pipe and Traps .....			WW-P-325-1944	CS95-41 & CS96-41
Copper Drainage Tube, Type DWV .....		B306-62		CS229-60
Unions, Brass or Bronze, 250 lb. ....			WW-U-516-1933	
Valves, Bronze; Angle, Check & Globe, 125 & 150 lb., Threaded and Flanged .....			WW-V-51a(2)-1954	
<b>Miscellaneous</b>				
Caulking Lead Type I .....			QQ-L-156(1)-1946	CS94-41
Sheet Lead .....			QQ-L-201d(1)-1961	
Sheet Brass .....		B36-61 & B121-60	QQ-B-613b-1961	
Sheet Copper .....		B152-60	QQ-C-576b-1961	
Galvanized Iron & Steel Sheets .....	G8.8-1937	A163-60T	QQ-S-775a-1960	
Cement Lining .....	A21.4-1953		WW-P-406b-1961	AWWA-C208-62
Coal Tar Enamel (Protective Coating) .....				
Soft Solder .....		B32-60aT		
Fixture Setting Compound .....			HH-C-536a-1954	
Air Gap Standards .....	A40.4-1942			
Backflow Preventers .....	A40.6-1943			
Bronze Gate .....			WW-V-54b-1962	
Cast Iron Gate .....			WW-V-58(1)-1946	
Hangers & Supports - Pipe .....			WW-H-171b-1959	
Resilient Joints .....		C425-60T		CS177-62
Steel Septic Tanks .....				
Domestic Hot Water Heaters .....	Z21.10.1-1962		WH-196d-1961	
Plumbing Fixtures, Land Use .....			WW-P-541b(4)-1962 & Int. Amd.5-1962	

CHAPTER 4

JOINTS AND CONNECTIONS  
[Amended March 18, 1964]

4.1 (135) Tightness

4.1 (1) *Test Conformance.* Joints and connections in the plumbing system shall be gas-tight and watertight for the pressures required by test, with the exception of those portions of perforated or open-joint piping which are installed for the purpose of collecting and conveying ground or seepage water to the underground storm drains.

4.2 (135) Types of Joints

4.2 (1) *Calked joints.* Calked joints for cast-iron bell- and spigot-soil pipe shall be firmly packed with oakum or hemp and filled with molten lead not less than one inch deep and not to extend more than one-eighth inch below rim of hub. No paint, varnish, or other coatings shall be permitted on the jointing material until after the joint has been tested and approved.

4.2 (2) *Threaded joints—screwed joints.* Threads shall conform to American National

Taper Pipe thread, ASA B2.1-1960, or FS GGG-P-351a, or current issue thereof. All burrs shall be removed. Pipe ends shall be reamed or filed out to size of bore, and all chips shall be removed. Appropriate pipe jointing compounds shall be used only on male threads.

**4.2 (3) Wiped joints.** Joints in lead pipe or fittings, or between lead pipe or fittings and brass or copper pipe, ferrules, solder nipples, or traps, shall be full-wiped joints. Wiped joints shall have an exposed surface on each side of a joint not less than three-fourths inch and at least as thick as the material being jointed. Wall or floor flange lead-wiped joints shall be made by using a lead ring or flange placed behind the joint at wall or floor.

Joints between lead pipe and cast iron, steel, or wrought iron shall be made by means of a calking ferrule, soldering nipple, or bushing.

**4.2 (4) Soldered or sweat joints.** Soldered or sweat joints for tubing shall be made with approved fittings. Surfaces to be soldered or sweated shall be cleaned bright. The joints shall be properly fluxed and made with approved solder.

Joints in copper water tubing shall be made by the appropriate use of approved brass or copper water fittings, properly soldered or sweated together.

**4.2 (5) Flared joints.** Flared joints for soft-copper water tubing shall be made with fittings meeting approved standards. The tubing shall be expanded with a proper flaring tool.

**4.2 (6) Hot-poured joints.** Hot-poured compound for clay or concrete sewer pipe shall not be water absorbent and when poured against a dry surface shall have a bond of not less than one hundred pounds per square inch. All surfaces of the joint shall be cleaned and dried before pouring. If wet surfaces are unavoidable, a suitable primer shall be applied. Compound shall not soften sufficiently to destroy the effectiveness of the joint when subjected to a temperature of 160° F. nor be soluble in any of the waste carried by the drainage system. Approximately twenty-five percent of the joint space at the base of the socket shall be filled with jute or hemp. A pouring collar, rope, or other device shall be used to hold the hot compound during pouring. Each joint shall be poured in one operation until the joint is filled. Joints shall not be tested until one hour after pouring.

**4.2 (7) Precast joints.** Precast joints for clay sewer pipe shall be made of a material that is inert, and resistant to both acids and alkalis. Such joints shall be formed both on the spigot and in the bell of the pipe at the time of pipe manufacture.

Precast compression joints having resilient properties (See table 3.5) may be used for building sewers of clay tile, except when the temperature of the waste will exceed 212° F. Immediately prior to making joint contact, the surfaces shall be wiped free of foreign matter, and coated with an appropriate lubricant compound; followed by positioning the top or one

side of the spigot into the previously laid bell, easing the pipe into alignment with steady pressure, and drawing or pushing the pipe until the spigot is seated against the shoulder of the hub.

Precast joints of bituminous or similar compounds may be used for building sewers of clay tile, provided that the joint material is not soluble in any of the wastes carried by the drainage system and that the temperature of the wastes does not exceed 160° F. Collar surfaces of such joints shall be conical, with side slopes of 3° with the axis of pipe, and the length shall be equal to the depth of the socket. Prior to making joint contact, the surfaces shall be cleaned and coated with appropriate solvents and adhesives. When the spigot end is inserted in the collar, it shall bind before contacting the base of the socket.

**4.2 (8) Brazed joints — soldered joints.** Brazed or soldered joints shall be made with approved fittings. Surfaces to be brazed or soldered shall be cleaned bright. The joints shall be properly fluxed and made with approved solder. Brazed joints shall be made in accordance with section 6, Code for Pressure Piping, ASA B31.1-1955, or current issue thereof.

**4.2 (9) Cement mortar joints.** Cement joints shall be used only when specifically permitted in other chapters of this code or when approved by the administrative authority, as sufficient to accomplish the purpose of this code. A layer of jute or hemp shall be inserted into the base of the joint space and rammed to prevent mortar from entering the interior of the pipe. Jute or hemp shall be dipped into a slurry suspension of portland cement in water prior to insertion into bell. Not more than twenty-five percent of the joint space shall be used for jute or hemp. The remaining space shall be filled in one continuous operation with a thoroughly mixed mortar composed of one part cement and two parts sand, with only sufficient water to make the mixture workable by hand. After one-half hour of setting, the joint shall be rammed around entire periphery with a blunt tool to force the partially stiffened mortar into the joint and to repair any cracks formed during the initial setting period. Pipe interior shall be swabbed to remove any material that might have fallen into the interior. Additional mortar of the same composition shall then be troweled so as to form a 45° taper with barrel of the pipe.

**4.2 (10) Burned lead joints.** Burned (welded) lead joints shall be lapped and the lead shall be fused together to form a uniform weld at least as thick as the lead being joined.

**4.2 (11) Asbestos cement sewer pipe joints.** Joints in asbestos cement pipe shall be made with sleeve couplings of the same composition as the pipe, sealed with rubber rings. Joints between asbestos cement pipe and metal pipe shall be made by means of an adapter coupling calked as required in subsection 4.2 (1).

**4.2 (12) Bituminized fibre pipe joints.** Joints in bituminized fibre pipe shall be made with tapered type couplings of the same material as the pipe. Joints between bituminized fibre pipe and metal pipe shall be made by means of an adapter coupling calked as required in subsection 4.2 (1).

**4.2 (13) Flexible plastic pipe joints.** Joints in flexible plastic pipe shall be made by the appropriate use of insert and clamp type fittings which bear the National Sanitation Foundation seal of approval. All clamps shall be broad flat bands of corrosion resistant material, with all parts of the same material. The pipe to be joined shall be squarely cut, free of burrs, and the ends wiped clean. Hot water may be used as the lubricant for the fittings; but under no circumstances shall pipe dope, gasket cement, detergent, or petroleum lubricants be used. Each clamp shall be positioned over the smooth section ahead of the serrations of a fitting, and securely tightened.

**4.2 (14) Rigid plastic pipe joints.** Joints in rigid plastic pipe shall be made only with solvent welded, or threaded type, fittings; provided that threaded joints may be used only with Schedules 80 and 120 I.P.S. pipe and fittings. Fittings for solvent welded joints shall be of the same material as the pipe to be joined. The solvent cement used shall be specifically designated for the pipe material and, for potable water lines, also shall bear the approval of the National Sanitation Foundation Testing Laboratory. The pipe to be joined shall be squarely cut, free of burrs, and the ends wiped dry and clean. The solvent cement shall be applied uniformly to the bell of the fitting, and to the spigot of the pipe to a distance equal to the fitting depth. The pipe shall be inserted firmly to assure seating of the spigot against the shoulder of the fitting and, if possible, rotated slightly to assure even distribution of the cement. All excess cement shall be wiped from the exterior of the finished joint.

Threaded joints in rigid plastic pipe shall be made as provided in subsection 4.2 (2).

**4.2 (15) Preformed gaskets.** Joints in cast iron sewer pipe may be made with positive seal moulded elastomeric compression type gaskets, when specifically permitted in other sections of this code, provided the pipe is centrifugally (spun) cast, and of suitable design to provide water tight joints. Each such gasket shall bear the trade name, the pipe size and class, the date made, and the producers trade-mark. In making such joints, the gasket shall be inserted in the pipe hub, the inner surface of the gasket coated with a suitable rubber gasket lubricant, a spigot end inserted into the gasket, and the pipe drawn or pushed by an applicable device or method until the spigot is seated against the shoulder of the hub.

**4.3 (1) Clay sewer pipe.** Joints in vitrified clay pipe or between such pipe and metal pipe shall be made as provided in subsections 4.2 (6) and 4.2 (7), or otherwise approved under subsection 3.3 (2).

**4.3 (2) Concrete sewer pipe.** Joints in concrete sewer pipe or between such pipe and metal pipe shall be made as provided in subsections 4.2 (6) and 4.2 (7), or otherwise approved under subsection 3.3 (2).

**4.3 (3) Cast iron pipe.** Joints in cast iron pipe shall be calked as provided in subsection 4.2 (1) or, when specifically permitted in other sections of this code, as provided in subsection 4.2 (15).

**4.3 (4) Screw pipe to cast iron.** Joints between wrought iron, steel, brass, or copper pipe, and cast iron pipe shall be either calked or threaded joints made as provided in subsection 4.2 (1) and 4.2 (2), or shall be made with approved adapter fittings.

**4.3 (5) Lead to cast iron, wrought iron, or steel.** Joints between lead and cast iron, wrought iron, or steel pipe shall be made by means of wiped joints to a calking ferrule soldering nipple, or bushing as provided in subsection 4.2 (3).

**4.3 (6) Copper water tube.** Joints in copper tubing shall be made either by the appropriate brass or copper water fittings, properly sweated, or soldered together, or by means of approved compression fittings as provided by subsections 4.2 (4) and 4.2 (5).

**4.3 (7) Flexible plastic pipe to metal water pipe.** Joints between flexible plastic pipe and metal water pipe shall be made by means of insertable adapter fittings; with the plastic pipe attached as provided in subsection 4.2 (13), and with the metal pipe attached as provided in subsection 4.2 (2). Joint compound bearing the approval of the National Sanitation Foundation Testing Laboratory shall be used on the male threads on the metal side only, and no joint compound shall be used on the plastic pipe side.

**4.3 (8) Rigid plastic pipe to metal water pipe.** Joints between rigid plastic pipe and metal water pipe shall be made by means of suitable adapter fittings; with the plastic pipe attached as provided in subsection 4.2 (14), and with the metal pipe attached as provided in subsection 4.2 (2).

**4.3 (9) Rigid plastic pipe to cast iron.** Joints between rigid plastic pipe and cast iron pipe shall be made by means of suitable adapter fittings; with the plastic pipe attached as provided in subsection 4.2 (14), and with the cast iron pipe attached as provided in subsection 4.2 (1).

**4.4 (1) Copper tubing to screwed pipe joints.** Joints from copper tubing to threaded pipe shall be made by the use of brass or copper converter fittings. The joint between the copper tubing and the fitting shall be properly sweated or soldered, and the connection between the threaded pipe and the fittings shall be made with a standard pipe size or screw joint.

**4.4 (2) Brazing or welding.** Brazing or welding shall be performed in accordance with requirements of recognized published standards of practice, ASA B31.1-1955, or current issue



thereof, and by qualified mechanics; except when the method proposed is determined by the administrative authority to be equivalent procedure for the purpose of this code.

**4.4 (3) Slip joints.** In drainage and water piping, slip joints may be used only on the inlet side of the trap or in the trap seal, and on the exposed fixture supply.

**4.4 (4) Ground joint brass connections.** Ground joint brass connections which allow adjustment of tubing but provide a rigid joint when made up shall not be considered as slip joints.

**4.5 (135) Unions (screwed)**

**4.5 (1) Drainage system.** Unions may be used in the trap seal and on the inlet side of the trap. Unions shall have metal-to-metal seats.

**4.5 (2) Water-supply systems.** Unions in the water-supply system shall be metal-to-metal with ground seats.

**4.6 (135) Water Closet, Pedestal Urinal, and Trap Standard Service**

**4.6 (1) Floor outlet fixture connections.** Fixture connections between drainage pipes and water closets, floor-outlet service sinks, pedestal urinals, and earthenware trap standards, shall be made by means of brass, or iron flanges, calked, soldered or screwed to the drainage pipe. The connection shall be bolted, with an approved gasket, or washer, or setting compound between the earthenware and the connection. The floor flange shall be set on an approved firm base. The use of commercial putty or plaster is prohibited.

**4.7 (135) Prohibited Joints and Connections**

**4.7 (1) Drainage system.** Any fitting or connection which has an enlargement, chamber, or recess with a ledge, shoulder, or reduction of pipe area, that offers an obstruction to flow through the drain, is prohibited.

**4.7 (2) Exception.** No fitting or connection that offers abnormal obstruction to flow shall be used. The enlargement of a three-inch closet bend or stub to four inches shall not be considered an obstruction.

**4.7 (3) Lead bend or ferrule.** No branch connection shall be made to a lead bend or ferrule.

**4.8 (135) Waterproofing of Openings**

**4.8 (1) Approved material.** Joints at the roof, around vent pipes, shall be made watertight by the use of lead, copper, or other approved flashings or flashings material. Exterior-wall openings shall be made watertight.

**4.9 (135) Increases and Reducers**

**4.9 (1) Proper size.** Where different sizes of pipes, or pipes and fittings are to be connected, the proper size increasers or reducers or reducing fittings shall be used between the two sizes.

CHAPTER 5

TRAPS AND CLEANOUTS

[Amended March 18, 1964]

**5.1 (135) Traps**

**5.1 (1) Fixture traps.** Plumbing fixtures, ex-

cepting those having integral traps, shall be separately trapped by a water-seal trap, placed as close to the fixture outlet as possible, except that a set of not more than three laundry trays or lavatories or a set of two laundry trays and one sink, cast or made as one fixture, may connect with a single trap, provided that no horizontal arm shall exceed three feet in developed length from the fixture trap.

**5.2 (135) Type and Size of Traps and Fixture Drains**

**5.2 (1) Trap size.** The size (nominal diameter) of trap for a given fixture shall be sufficient to drain the fixture rapidly but in no case less than given in chapter 11, table 11.4 (2).

**5.2 (2) Relation to fixture drains.** No trap shall be larger than the drain to which it is connected.

**5.2 (3) Type of traps:**

(a) Fixture traps shall be self-cleaning other than integral traps without partitions or movable parts.

(b) Slip joints or couplings may be used on the trap inlet or within the trap seal of the trap if metal-to-metal ground joint is used.

(c) A trap integral with the fixture shall have a uniform interior and smooth waterway.

**5.3 (135) General Requirements**

**5.3 (1) Trap seal.** Each fixture trap shall have a water seal of not less than two inches and not more than four inches, except where a deeper seal is found necessary by the administrative authority for special conditions.

**5.3 (2) Trap cleanouts:**

(a) Each fixture trap, except those cast integral or in combination with fixtures in which the trap seal is readily accessible or except when a portion of the trap is readily removable for cleaning purposes, shall have an accessible brass trap screw of ample size protected by this water seal.

**5.3 (3) Trap level and protection.** Traps shall be set true with respect to their water seals, and where necessary, they shall be protected from freezing.

**5.3 (4) (For future use)**

**5.3 (5) (For future use)**

**5.3 (6) Prohibited traps.**

(a) No trap which depends for its seal upon the action of movable parts shall be used.

(b) S traps are prohibited.

(c) Bell traps are prohibited.

(d) Crown-vented traps are prohibited.

(e) Building or house traps on the main house sewer or house drain are prohibited.

**5.3 (7) Double trapping.** No fixture shall be double trapped.

**5.4 (135) Pipe Cleanouts**

**5.4 (1) Location.** Cleanouts shall not be more than fifty feet apart in horizontal drainage lines of four-inch nominal diameter or less

and not more than one hundred feet apart for larger pipes.

**5.4 (2) *Underground drainage.*** Cleanouts, when installed on an underground drain, shall be extended to or above the finished grade level directly above the place where the cleanout is installed; or may be extended to the outside of the building when found necessary by the administrative authority.

**5.4 (3)** (For future use)

**5.4 (4) *Concealed piping.*** Cleanouts on concealed piping shall be extended through and terminate flush with the finished wall or floor; chases may be left in the wall or floor, provided they are of sufficient size to permit removal of the cleanout plug and effective cleaning of the system.

**5.4 (5) *Base of stacks.*** A cleanout shall be provided in each vertical waste or soil stack at a point at least forty-two inches above the floor. For buildings with a floor slab on the ground surface, the following will be acceptable in lieu of a cleanout at the base of the stack: The building drain may be extended to the outside of the building and terminated in an accessible cleanout; or an accessible cleanout installed in the building drain downstream from the stack, not more than five feet outside the building wall.

**5.4 (6) *Building drain junction.*** There shall be a cleanout near the junction of the building drain and building sewer or a cleanout with Y branch inside the building wall unless the cleanout at the base of the stack is within five feet of the point where the sewer enters the building and in such case the stack cleanout will be sufficient.

**5.4 (7) *Direction of flow.*** Every cleanout shall be installed so that the cleanout opens in a direction opposite to the flow of the drainage line or at right angle thereto.

**5.4 (8) *Prohibited connection.*** Cleanout plugs shall not be used for the installation of new fixtures or floor drains except where approved in writing by the administrative authority.

### **5.5 (135) Size of Cleanouts**

**5.5 (1) *Small pipes.*** Cleanouts shall be of the same nominal size as the pipes up to four inches and not less than four inches for larger piping.

### **5.6 (135) Cleanout Clearances**

**5.6 (1) *Large pipes.*** Cleanouts on three-inch or larger pipe shall be so installed that there is a clearance of not less than eighteen inches for the purpose of rodding.

**5.6 (2) *Small pipes.*** Cleanouts smaller than three inches shall be so installed that there is a twelve-inch clearance for rodding.

**5.6 (3) *Calking.*** Cement, plaster, or any other permanent finishing material shall not be placed over a cleanout plug.

**5.6 (4) *Concealment.*** Where it is necessary to conceal a cleanout plug, a covering plate or access door shall be provided which will permit ready access to the plug.

### **5.7 (135) Cleanout Equivalent**

**5.7 (1) *Alternate.*** A fixture trap or a fixture with integral trap, readily removable without disturbing concealed roughing work, may be accepted as a cleanout equivalent.

## CHAPTER 6

### INTERCEPTORS—SEPARATORS AND BACKWATER VALVES

[Amended March 18, 1964]

### **6.1 (135) Interceptors and Separators**

**6.1 (1) *When required.*** Interceptors (including grease, oil, and sand interceptors, etc.) shall be provided when, in the judgment of the administrative authority having jurisdiction, they are necessary for the proper handling of liquid wastes containing flammable wastes, sand, and other ingredients harmful to the building drainage system, the public sewer or sewage-treatment plant or processes.

**6.1 (2) *Approval.*** The size, type, and location of each interceptor or separator shall be approved by the administrative authority in accordance with generally accepted standards and no wastes other than those requiring treatment or separation shall be discharged into any interceptor.

### **6.2 (135) Grease Interceptors**

**6.2 (1) *Commercial buildings.*** A grease interceptor shall be installed in the waste line leading from sinks, drains, or other fixtures in the following establishments when, in the judgment of the administrative authority, a hazard exists: Restaurants, hotel kitchens or bars; factory cafeterias or restaurants; clubs; or other establishments where grease can be introduced into the drainage system in quantities that can affect line stoppage or hinder sewage disposal.

**6.2 (2) *Residential units.*** A grease interceptor is not necessary for individual dwelling units or any private living quarters.

### **6.3 (135) Oil Separators**

**6.3 (1) *Where required.*** An oil separator shall be installed in the drainage system or section of the system where, in the judgment of the administrative authorities, a hazard exists or where oils or other inflammables can be introduced or admitted into the drainage system in appreciable quantities by accident or otherwise.

### **6.4 (135) Sand Interceptors**

**6.4 (1) *Commercial installations.*** Sand and similar interceptors for heavy solids shall be so designed and located as to be readily accessible for cleaning, and shall have a water seal of not less than six inches.

### **6.5 (135) Venting Interceptors**

**6.5 (1) *Relief vent.*** Interceptors shall be so designed that they will not become air bound if closed covers are used.

### **6.6 (135) Accessibility of Interceptor**

**6.6 (1) *Easy access required.*** Each interceptor shall be so installed as to provide ready accessibility to the cover and means for serv-

icing and maintaining the interceptor in working and operating condition. The use of ladders or the removal of bulky equipment in order to service interceptors shall constitute a violation of accessibility.

#### 6.7 (135) Interceptor's Efficiency

**6.7 (1) Flow rate.** Interceptors shall be rated and approved for their efficiency as determined by the administrative authority and in accordance with generally accepted practice.

**6.7 (2) Water connection.** Water connection for cooling or operating an interceptor shall be such that backflow cannot occur, and be protected by an approved air gap.

#### 6.8 (135) Laundries

**6.8 (1) Interceptors.** Commercial laundries shall be equipped with an interceptor having a removable wire basket or similar device that will prevent strings, rags, buttons, or other material detrimental to the public sewerage system from passing into the drainage system.

#### 6.9 (135) Bottling Establishments

**6.9 (1) Bottling plants.** Bottling plants shall discharge their process wastes into an interceptor which will provide for the separation of broken glass or other solids, before discharging liquid wastes into the drainage system.

#### 6.10 (135) Slaughterhouses

**6.10 (1) Separators.** Slaughtering-room drains shall be equipped with separators which shall prevent the discharge into the drainage system of feathers, entrails, and other materials likely to clog the drainage system.

**6.10 (2) Food grinder.** Wastes may discharge directly to the building drainage system.

#### 6.11 (135) Commercial Grinders

**6.11 (1) Discharge.** Where commercial food-waste grinders are installed, the waste from those units may discharge direct into the building drainage system and not through a grease interceptor.

**6.11 (2) Approval.** The administrative authority shall determine where and what type of interceptor is necessary, except that interceptors shall not be required for private living quarters or residential units.

#### 6.12 (135) Maintenance

**6.12 (1) Cleaning.** Interceptors shall be maintained in efficient operating condition by periodic removal of accumulated grease.

#### 6.13 (135) Oil Interceptors

**6.13 (1) Where required.** Oil separators shall be installed when required by the administrative authority and shall conform to the requirements of subsection 6.13 (2).

**6.13 (2) Minimum dimension.** Interceptors for service stations and garages where both oil wastes and sand or mud may be expected, shall have a minimum capacity of twenty-five cubic feet.

**6.13 (3) Special type separators.** Before in-

stalling any special type separator, a drawing including all pertinent information shall be submitted for approval of the administrative authority, as being in accordance with this code.

#### 6.14 (135) Backwater Valves

**6.14 (1)** (For future use)

**6.14 (2)** (For future use)

**6.14 (3) Material.** All bearing parts of backwater valves shall be of corrosion-resistant material.

**6.14 (4) Positive seal.** Backwater valves shall be so constructed as to insure a mechanical seal against backflow.

**6.14 (5) Diameter.** Backwater valves, when fully opened, shall have a capacity not less than that of the pipes in which they are installed.

**6.14 (6) Location.** Backwater valves shall be so installed as to provide ready accessibility to their working parts.

### CHAPTER 7

#### PLUMBING FIXTURES

[Amended March 18, 1964]

#### 7.1 (135) General Requirements—Materials

**7.1 (1) Quality of fixtures.** Plumbing fixtures shall be structurally sound, of durable materials, have smooth impervious surfaces, and be free from defects and concealed fouling surfaces.

#### 7.2 (135) Alternate Materials

**7.2 (1) Materials.** Sinks and special-use fixtures may be made of soapstone, chemical stoneware, or may be lined with lead, copper-base alloy, nickel-copper alloy, corrosion-resisting steel, or other materials especially suited to the use for which the fixture is intended.

#### 7.3 (135) Overflows

**7.3 (1) Design.** When any fixture is provided with an overflow, the waste shall be so arranged that the standing water in the fixture cannot rise in the overflow when the stopper is closed or remain in the overflow when the fixture is empty.

**7.3 (2) Connection.** The overflow pipe from a fixture shall be connected on the house or inlet side of the fixture trap.

#### 7.4 (135) Installation

**7.4 (1) Cleaning.** Plumbing fixtures shall be installed in a manner to afford easy access for cleaning. Where practical, all pipes from fixtures shall be run to the nearest wall.

**7.4 (2) Hangers.** Wall-hung fixtures shall be secured or attached with proper hangers.

**7.4 (3) Securing fixtures.** Floor-outlet fixtures shall be rigidly secured to floor by screws or bolts.

**7.4 (4) Wall-hung bowls.** Wall-hung water-closet bowls shall be rigidly supported by a concealed metal supporting member so that no strain is transmitted to the closet connection.

**7.4 (5) Setting.** Fixtures shall be set level and in proper alinement with reference to adjacent walls. (See subsection 4.6 (1).)

**7.5 (135) Water-Supply Protection**

**7.5 (1) Supply fittings.** The supply lines or fittings for every plumbing fixture shall be so installed as to prevent backflow. (See subsection 10.4 (3).)

**7.6 (135) Prohibited Fixtures and Connections**

**7.6 (1) Fixtures.** Pan, valve, plunger, offset, washout, latrine, range, frost-proof, and other water closets having an invisible seal or an unventilated space or having walls which are not thoroughly washed at each discharge, are prohibited. Any water closet which might permit siphonage of the contents of the bowl back into the tank is prohibited.

**7.6 (2) Connections.** Fixtures having concealed slip-joint connections shall be provided with an access panel or utility space so arranged as to make the slip connections accessible for inspection and repair.

**7.7 (135) Water Closets**

**7.7 (1) Public use.** Water-closet bowls for public use shall be of the elongated type.

**7.7 (2) Flushing device.** Water-closet tanks shall have a flushing capacity sufficient to properly flush the water-closet bowls with which they are connected.

**7.7 (3) Float valves.** Float valves in low-down tanks shall close tight and provide water to properly refill the trap seal in the bowl.

**7.7 (4) Close-coupled tanks.** The flush-valve seat in close-coupled water-closet combinations shall be one inch or more above the rim of the bowl, so that the flush-valve will close even if the closet trapway is clogged, or any closets with flush-valve seats below the rim of the bowl shall be so constructed that in case of trap stoppage, water will not flow continuously over the rim of the bowl.

**7.7 (5) Automatic flush valve.** Flushometers shall be so installed that they will be readily accessible for repairing. When the valve is operated, it shall complete the cycle of operation automatically, opening fully and closing positively under the service pressure. At each operation the valve shall deliver water in sufficient volume and at a rate that will thoroughly flush the fixture and refill the fixture trap. Means shall be provided for regulating flush valve flow. Not more than one fixture shall be served by a single flush valve. Protection against backflow shall be provided as specified in subsection 10.4 (3).

**7.7 (6) Seats.** Water closets shall be equipped with seats of smooth nonabsorbent material. All seats of water closets provided for public use shall be of the open-front type. Integral water-closet seats shall be of the same material as the fixture.

**7.8 (135) Urinals**

**7.8 (1) Automatic flushing tank.** Tanks flushing more than one urinal shall be automatic in operation and of sufficient capacity to

provide the necessary volume to flush and properly cleanse all urinals simultaneously.

**7.8 (2) Urinals equipped with automatic flush valves.** Flushometers shall be as prescribed in subsection 7.7 (5) and no valve shall be used to flush more than one urinal.

**7.8 (3) Trough urinals.** Trough urinals shall be permitted only in places of temporary occupancy. They shall be not less than six inches deep and shall be furnished with one-piece backs and have strainers with outlets at least one and one-half inches in diameter. The washdown pipe shall be perforated so as to flush with an even curtain of water against the back of the urinal. This pipe shall be securely clamped as high as practicable to the back of the urinal. Trough urinals shall have tanks with a flushing capacity of not less than one and one-half gallons of water for each two feet of urinal length.

**7.8 (4) (For future use)**

**7.8 (5) Floor-type urinals.** Floor-type trough urinals are prohibited.

**7.8 (6) Surrounding materials.** Wall and floor space to a point one foot in front of urinal lip and four feet above the floor, and at least one foot to each side of the urinal shall be lined with nonabsorbent material.

**7.9 (135) Strainer and Fixture Outlets**

**7.9 (1) Design.** All plumbing fixtures, other than water closets and siphon-action wash-down or blowout urinals, shall be provided with metal strainers having waterway area in accord with acceptable design.

**7.10 (135) Lavatories**

**7.10 (1) Waste outlets.** Lavatories shall have waste outlets not less than one and one-fourth inches in diameter. Wastes may have open strainers or may be provided with stoppers.

**7.11 (135) Shower Receptors and Compartments**

**7.11 (1) Shower.** All shower compartments, except those built directly on the ground, shall have a lead or copper shower pan or the equivalent thereof or as determined by the administrative authority. The pan shall turn up on all sides at least two inches above finished floor level. Traps shall be so constructed that the pan may be securely fastened to the trap at the seepage entrance making a watertight joint between the pan and trap. Shower receptacle waste outlets shall be not less than one and one-half inches in diameter and have removable strainers.

**7.11 (2) On the ground.** Shower receptors built on the ground shall be constructed of dense nonabsorbent and noncorrosive materials and shall have smooth impervious surfaces, or be as provided in subsection 7.11 (1).

**7.11 (3) Dimensions.** Shower compartments shall have not less than nine hundred square inches in floor area and, if rectangular, square, or triangular, shall be not less than thirty inches in the shortest dimension.

**7.11 (4) Construction.** Floors under shower

compartments shall be laid on a smooth and structurally sound base, and shall be lined and made watertight with sheet lead, copper, or other acceptable material. Shower compartments located in basements, cellars, or in other rooms in which the floor has been laid directly on the ground surface, need not be lined.

**7.11 (5) Public or institution showers.** Floors of public shower rooms shall be drained in such a manner that no waste water from any shower head will pass over areas occupied by other bathers.

**7.11 (6) Walls.** Shower compartments shall have walls constructed of smooth, noncorrosive and nonabsorbent waterproof materials to a height of not less than six feet above the floor.

**7.11 (7) Joints.** Built-in tubs with overhead showers shall have waterproof joints between the tub and walls, and the walls shall be waterproof.

#### **7.12 (135) Sinks**

**7.12 (1) Waste outlets.** Sinks shall be provided with waste outlets not less than one and one-half inches in diameter. Waste outlets may have open strainers or may be provided with stoppers.

#### **7.13 (135) Food-Waste-Grinder Units**

**7.13 (1) Separate connections.** Domestic food-waste-disposal units shall be connected and trapped separately from any other fixture or compartment. Units may have either automatic or hand-operated water supply control. (See sec. 10.4.)

**7.13 (2) Grease interceptors.** No food-waste grinder shall be connected through a grease interceptor.

**7.13 (3) Commercial-type grinders.** Commercial-type food-grinders shall be provided with not less than a two-inch waste line. Each waste line shall be trapped and vented as provided in other sections of this code.

#### **7.14 (135) Drinking Fountains**

**7.14 (1) Design and construction.** Drinking fountains shall conform to American Standard Specifications for Drinking Fountains, ASA Z4.2-1942, or current issue thereof.

**7.14 (2) Protection of water supply.** Stream projectors shall be so assembled as to provide an orifice elevation as specified by American Standard Air Gaps in Plumbing Systems, ASA A40.4-1942, or current issue thereof, and American Standard Backflow Preventers in Plumbing Systems, ASA A40.6-1943, or current issue thereof.

#### **7.15 (135) Floor Drains**

**7.15 (1) Trap and strainers.** Floor drains shall have metal traps and a minimum water seal of three inches and shall be provided with removable strainers. The open area of strainer shall be at least two-thirds of the cross-section area of the drain line to which it connects.

**7.15 (2) Size.** Floor drains shall be of a size

to serve efficiently the purpose for which it is intended.

#### **7.16 (135) Dishwashing Machines**

**7.16 (1) Protection.** Domestic dishwashing machines shall meet requirements in par. 10.4.3.

**7.16 (2) Separate trap.** Each unit shall be separately trapped or discharged indirectly into a properly trapped and vented fixture.

**7.16 (3) Air gap.** Commercial dishwashing machines shall be connected through an air gap or as provided in chapter 9, Indirect Waste Piping and Special Wastes.

**7.16 (4) Hot water.** Dishwashing machines or similar dishwashing equipment not in private living quarters or dwelling units shall be provided with water at least 180° F. for disinfection.

#### **7.17 (135) Multiple Wash Sinks**

**7.17 (1) Circular type.** Each eighteen inches of wash sink circumference (circular type) shall be equivalent to one lavatory.

**7.17 (2) Straight-line type.** Multiple wash sinks of the straight-line type shall have hot and cold combination spouts not closer than eighteen inches from adjacent similar spouts and each spout shall be considered the equivalent of one lavatory.

#### **7.18 (135) Garbage Can Washers**

**7.18 (1) Discharge.** Garbage can washers shall not discharge through a trap serving any other device or fixture.

**7.18 (2) (For future use)**

**7.18 (3) Baskets.** The receptacle receiving the wash from garbage cans shall be provided with a basket or similar device to prevent the discharge of large particles and utensils into the building drainage system.

**7.18 (4) Connections.** Water supply connections shall conform to subsection 10.4 (3).

#### **7.19 (135) Laundry Trays**

**7.19 (1) Waste outlets.** Each compartment of a laundry tray shall be provided with a waste outlet not less than one and one-half inches in diameter and with a stopper.

#### **7.20 (135) Special Fixtures and Specialties**

**7.20 (1) Water and drain connections.** Baptiseries, ornamental and lily pools, aquaria, ornamental fountain basins, and similar constructions when provided with water supplies shall be protected from back-siphonage as required in subsection 10.4 (3).

### CHAPTER 8 HANGERS AND SUPPORTS

#### **8.1 (135) Strains and Stresses**

**8.1 (1) General.** Piping in a plumbing system shall be installed without undue strains and stresses, and provision shall be made for expansion, contraction, and structural settlement.

#### **8.2 (135) Vertical Piping**

**8.2 (1) Attachment.** Vertical piping shall be secured at sufficiently close intervals to keep

the pipe in alinement and carry the weight of the pipe and contents.

### 8.3 (135) Horizontal Piping

**8.3 (1) Supports.** Horizontal piping shall be supported at sufficiently close intervals to keep it in alinement and prevent sagging.

**8.3 (2) Cast-iron soil pipe.** Cast-iron soil pipe shall be supported at not more than eight-foot intervals.

**8.3 (3) Screwed pipe.** Screwed pipe (SPS) shall be supported at approximately twelve-foot intervals.

**8.3 (4) Copper tubing.** Copper tubing shall be supported at approximately six-foot intervals for piping one and one-half inches and smaller and ten-foot intervals for piping two inches and larger.

**8.3 (5) Lead pipe.** Lead pipe shall be supported for its entire length.

**8.3 (6) In ground.** Piping in the ground shall be laid on a firm bed for its entire length.

### 8.4 (135) Hangers and Anchors

**8.4 (1) Material.** Hangers and anchors shall be of metal of sufficient strength to maintain in their proportional share of the pipe alinements.

**8.4 (2) Attachment.** Hangers and anchors shall be securely attached to the building construction.

### 8.5 (135) Strains and Stresses

**8.5 (1) Installation of pipe.** Piping in a plumbing system shall be so installed as to prevent undue strains and stresses.

**8.5 (2) Expansion and contraction.** Provisions shall be made for expansion and contraction of piping and for structural settlement that may affect the piping.

**8.5 (3) Piping in concrete.** Piping in concrete or masonry walls or footings shall be placed or installed in chases or recesses which will permit access to the piping for repair or replacement.

### 8.6 (135) Base of Stacks

**8.6 (1) Supports.** Bases of cast-iron stacks shall be supported on concrete, brick laid in cement mortar, metal brackets attached to the building construction, or by other methods approved by the administrative authority.

## CHAPTER 9

### INDIRECT WASTE PIPING AND SPECIAL WASTES [Amended March 18, 1964]

#### 9.1 (135) Indirect Waste Piping

**9.1 (1) General.** Wastes from the following shall discharge to the building drainage system through an air gap serving the individual fixtures, devices, appliances, or apparatus.

**9.1 (2) Food handling.** Establishments engaged in the storage, preparation, selling, serving, processing, or otherwise handling of food shall have the waste piping from all refrigerators, ice boxes, rinse sinks, cooling or refrigerating coils, laundry washers, extractors, steam tables, egg boilers, coffee urns, or similar

equipment discharge indirectly into a water-supplied sink or receptor and the waste outlet shall terminate at least two inches above the flood rim of such sink or receptor.

**9.1 (3) Commercial dishwashing machines.** Dishwashing machines, except those in private living quarters or dwelling units, shall be indirectly connected, except that when a dishwashing machine is located adjacent to a floor drain, the waste from the dishwashing machine may be connected direct on the sewer side of the floor-drain trap.

**9.1 (4) Interceptor.** An interceptor may be placed on the outlet side of the dishwashing machine, or on the discharge side of the indirect waste receptor.

**9.1 (5) Connection.** Drains, overflows, or relief vents from the water-supply system shall not be directly connected to the drainage system.

**9.1 (6) Sterile materials.** Appliances, devices, or apparatus such as stills, sterilizers, and similar equipment requiring water and waste and used for sterile material shall be indirectly connected or provided with an air gap between the trap and the appliance.

**9.1 (7) Drips.** Appliances, devices, or apparatus not regularly classed as plumbing fixtures but which have drips or drainage outlets, may be drained by indirect waste pipes discharging into an open receptacle as provided in subsection 9.1 (2).

#### 9.2 (135) Material and Size

**9.2 (1) Design.** The material and size of indirect waste pipes shall be in accordance with the provisions of the other sections of this code applicable to sanitary-drainage piping, except that refrigerator and similar indirect fixtures or appliances may be provided with waste pipes, trapped and of a size not less than one and one-fourth inches for one to two traps; one and one-half inches for three to six traps; and two inches for six to twelve traps.

#### 9.3 (135) Length

**9.3 (1) Waste pipe.** Any indirect waste pipe exceeding three feet in a length shall be trapped.

**9.3 (2) Venting of indirect wastes.** When indirect wastes extend more than one floor above the fixture they discharge over, they must be vented full size through the roof.

**9.3 (3) Cleaning.** Indirect waste piping shall be so installed as to permit ready access for flushing and cleansing.

#### 9.4 (135) Air Gap or Backflow Preventer

**9.4 (1) Provision of air gap.** The air gap between the indirect waste and the building drain system shall be at least twice the effective diameter of the drain served, and shall be as provided in subsections 9.4 (2) or 9.4 (3).

**9.4 (2) Receptor.** By extending the indirect waste pipe to an open, accessible slop sink, floor drain, or other suitable fixture which is properly trapped or vented. The indirect waste shall terminate a sufficient distance

above the flood level rim of the receiving fixture to provide the required air gap, and shall be installed in accordance with other applicable sections of this code.

**9.4 (3) Inlet side of trap.** By providing a break (air gap) in the drain connection on the inlet side of the trap serving the fixture, device, appliance, or apparatus.

#### **9.5 (135) Receptors**

**9.5 (1) Installation.** Waste receptors serving indirect pipes shall not be installed in any toilet room, nor in any inaccessible or unventilated space.

**9.5 (2) (For future use)**

**9.5 (3) Strainers and baskets.** Suitable strainers, baskets, or beehive strainers shall be provided on indirect waste receptors or floor drains receiving such drainage.

**9.5 (4) Splashing.** All plumbing receptors receiving the discharge of indirect waste pipes shall be of such shape and capacity as to minimize splashing or flooding. No plumbing fixture which is used for domestic or culinary purposes shall be used to receive the discharge of an indirect waste pipe.

#### **9.6 (135) Clear Water Wastes**

**9.6 (1) Method.** Waste lifts, expansion tanks, cooling jackets, sprinkler systems, drip or overflow pans, or similar devices which waste clear water only shall discharge onto a roof or into the building drainage system through an indirect waste or over a suitable floor drain.

#### **9.7 (135) Condensers and Sumps**

**9.7 (1) Direct connection prohibited.** No steam pipe shall connect to any part of a drainage or plumbing system, nor shall any water above 212° F. be discharged into any part of the drainage system. Such pipes may be indirectly connected by discharging through an interceptor or device designed to render such wastes harmless to the plumbing or drainage systems.

**9.7 (2) Indirect connection required.** No high pressure steam or blowoff exhaust shall be directly connected to the building drain or sewer. When such waste is directed through an approved and properly vented expansion chamber, condenser, or similar device, designed to reduce the pressure to a safe level and the temperature to or below 212° F., such devices shall discharge to the building sewer.

#### **9.8 (135) Drinking Fountains**

**9.8 (1) Indirect waste permitted.** Drinking fountains may be installed with indirect wastes.

#### **9.9 (135) Special Wastes**

**9.9 (1) Acid waste.** Acid and chemical waste pipes and jointing materials shall be of materials unaffected by the discharge of such wastes.

**9.9 (2) Neutralizing device.** In no case shall corrosive liquids, spent acids, or other harmful chemicals which might destroy or injure a drain, sewer, soil, or waste pipe, or which might create noxious or toxic fumes, discharge

into the plumbing system without being thoroughly diluted or neutralized by passing through a properly constructed and acceptable dilution or neutralizing device. Such device shall be provided with a sufficient intake of diluting water or neutralizing medium, so as to make its contents noninjurious before being discharged into the soil or sewage system.

#### **9.10 (135) Swimming Pools**

**9.10 (1) Waste piping.** Piping carrying waste water from swimming or wading pools including pool drainage, back wash from filters, or water from scum gutter drains or floor drains which serve walks around pools, shall be installed as an indirect waste pipe utilizing any existing circulation pump, if necessary, when indirect waste pipe is below the sewer grade.

**9.10 (2) Plans and specifications for public swimming pools shall be submitted for approval to the Iowa state department of health before construction begins.**

### CHAPTER 10

#### WATER SUPPLY AND DISTRIBUTION

[Amended March 18, 1964]

#### **10.1 (135) Quality of Water Supply**

**10.1 (1) Potable water.** Potable water is water which is satisfactory for drinking, culinary, and domestic purposes, and meets the requirements of accepted standards including those of the state department of health.

**10.1 (2) Acceptable sources.** Where a public supply of potable water is not available, requirements satisfactory to the administrative authority shall be observed.

**10.1 (3) Nonpotable water.** Where an adequate supply of potable water is not available, nonpotable water may be used for cooling, flushing water closets and urinals and other fixtures not requiring potable water, provided such water shall not be accessible for drinking or culinary purposes, nor cross-connected with a potable water supply.

#### **10.2 (135) Color Code**

**10.2 (1) Identification of piping.** All piping conveying a nonpotable water should be adequately and durably identified by a distinctive yellow-colored paint so that it is readily distinguished from piping carrying potable water. (See Safety Color Code for Marking Physical Hazards, ASA Z53.1-1953, or current issue thereof.)

#### **10.3 (135) Water Supply**

**10.3 (1) Required.** Every building in which plumbing fixtures are installed and are for human occupancy or habitation shall be provided with an ample supply of pure and wholesome water.

#### **10.4 (135) Protection of Potable Water Supply**

**10.4 (1) Cross-connections.** Potable water-supply piping, water discharge outlets, back-flow prevention devices, or similar equipment shall not be so located as to make possible their submergence in any contaminated or polluted liquid or substance.

**10.4 (2) Approval of devices.** Before any device for the prevention of backflow or back-siphonage is installed, it shall have first been certified as meeting the requirements of American Standard Backflow Preventers in Plumbing Systems, ASA A40.6-1943, or current issue thereof, by a reputable testing laboratory. Devices installed in a potable water supply system for protection against backflow shall be maintained in good working condition by the person or persons having control of such devices, and if found to be ineffective or inoperative shall require the repair or replacement thereof.

**10.4 (3) Backflow.** The water distributing system shall be protected against backflow. Every water outlet shall be protected from backflow, preferably by having the outlet end from which the water flows spaced a distance above the flood-level rim of the receptacle into which the water flows sufficient to provide a "minimum required air gap" as defined in American Standard Air Gaps in Plumbing Systems, ASA A40.4-1942, or current issue thereof. Where it is not possible to provide a minimum air gap, the water outlet shall be equipped with an accessibly located backflow preventer complying with American Standard Backflow Preventers in Plumbing Systems, ASA A40.6-1943, or current issue thereof, installed on the discharge line of the manual control valve.

**10.4 (4) Special device.** Where it is not possible to provide either a minimum air gap or a backflow preventer, as may be the case in connection with cooling jackets, condensers, or other industrial or special appliances, the administrative authority shall require other means of protection approved by the state department of health.

#### **10.5 (135) Vacuum Breakers and Air Gaps**

**10.5 (1) Flushometer.** Flushometer valve shall be equipped with an approved vacuum breaker. The vacuum breaker shall be installed on the discharge side of the flushing valve with the critical level at least four inches above the overflow rim of the bowl.

**10.5 (2) Flushing tanks.** Flushing tanks shall be equipped with an approved ball-cock. The ball-cock shall be installed with the critical level of the vacuum breaker at least one inch above the full opening of the overflow pipe. In cases where the ball-cock has no hush tube, the bottom of the water supply inlet shall be installed one inch above the full opening of the overflow pipe.

**10.5 (3) Trough urinals.** Trough urinals when permitted shall be equipped with a vacuum breaker installed on the discharge side of the last valve and not less than thirty inches above the spray pipe.

**10.5 (4) Lawn sprinklers.** Lawn-sprinkler systems shall be equipped with a backflow preventer on the discharge side of each of the last valves. The backflow preventer shall be at least six inches above the surrounding ground. Where combination control valves

and backflow preventers are installed, the bottom of the valve shall constitute the bottom of the backflow preventer.

**10.5 (5) Water valve outlet.** Fixture faucets with hose attachments shall be protected by a backflow preventer installed six inches above the highest point of usage and on the discharge side of the valve.

Faucets or valves independent of fixtures with hose attachments used for special purposes including morgue table cleaning, garbage can washing, special sinks, and chemical sinks, wherever the end of the water supply hose may become submerged shall also be protected as above.

**10.5 (6) Swimming pools.** The water supply for each swimming or wading pool shall be protected from the pool water by installing the water supply piping to provide a "minimum required air gap" as defined in American Standard Air Gaps in Plumbing Systems, ASA A40.4-1942, or current issue thereof.

#### **10.6 (135) Water Supply System**

**10.6 (1) Water service pipe.** Materials for water service piping shall be of brass, lead, cast iron, wrought iron, open-hearth iron, or steel pipe or Type K copper tubing, with appropriate approved fittings. (See chapter 3 for standards.) All threaded ferrous pipe and fittings shall have been galvanized (zinc coated) or cement lined. All ferrous pipe threaded joints shall be coal tar enamel coated and wrapped at the time of installation in the trench. Copper pipe and tubing shall be installed such that the color marking is clearly visible at the time of inspection.

At sites having private water supplies, plastic pipe and fittings marked to indicate approval by the National Sanitation Foundation Testing Laboratory, and having properties suitable for the use intended, may be used for drop pipe in jet and suction wells, and well to house piping with such service lines terminating outside the foundation walls; provided that such pipe shall not be used for building or house service lines connected to a public water supply system, nor for drop pipes for submersible or deep well turbine pump installations. When flexible polyethylene pipe is installed in trenches, it shall be laid in snake fashion to provide a uniform slack of at least two inches per one hundred feet of pipe, and it shall not be jacked or pulled.

**10.6 (2) Separate trenches.** The water service pipe and the building drain or building sewer shall be not less than ten feet apart horizontally, and shall be separated by undisturbed or compacted earth.

The water service pipe may be placed in the same trench with the building drain or building sewer, provided the following conditions are met (Also see subsection 11.2 (2).):

a. The bottom of the water service pipe, at all points, shall be at least twelve inches above the top of the sewer line at its highest point.

b. The water service pipe shall be placed on a solid shelf excavated at one side of the common trench. Where ground conditions do



not permit a shelf, the pipe may be laid on a solidly tamped backfill.

c. The number of joints in the service pipe shall be kept to a minimum.

d. No portion of the building drain or building sewer shall be under pressure.

**10.6 (3) Stop-and-waste valve combination.** Combination stop-and-waste valves and cocks shall not be installed in any underground potable water supply system unless an approved system of watertight piping from the weep hole of the stop-and-waste valve is installed to drain to a lower protected level.

**10.6 (4) Private water supply.** No private water supply shall be interconnected with any public water supply unless the private supply meets the requirements of the state department of health and the specific written approval of the administrative authority having jurisdiction is obtained.

### **10.7 (135) Water Pumping and Storage Equipment**

**10.7 (1) Pumps and other appliances.** Water pumps, tanks, filters, softeners, compressors, and all other appliances and devices shall be protected against contamination.

**10.7 (2) Water-supply tanks.** Potable-water-supply tanks shall be properly covered to prevent the entrance of foreign material or insects into the water supply. Soil or waste lines shall not pass directly over such tanks.

**10.7 (3) Pressure tanks, boilers, and relief valves.** The drains from pressure tanks, boilers, relief valves, and similar equipment shall only be connected to the drainage system through an indirect waste or over a drain.

**10.7 (4) Cleaning, painting, repairing water tanks.** A potable water-supply tank used for domestic purposes shall not be lined, painted, or repaired with any material which will affect either the taste or the potability of the water supply when the tank is returned to service. Tanks shall be disconnected from the system during such operations, to prevent any foreign fluid or substance entering the distribution piping.

### **10.8 (135) Water-Supply Tanks—Booster System**

**10.8 (1) When required.** When the water pressure from the city mains during flow is insufficient to supply all fixtures freely and continuously, the rate of supply shall be supplemented by a gravity house tank or booster system.

**10.8 (2) Support.** All water-supply tanks shall be supported in accordance with the regulations which apply or with adequate structural design.

**10.8 (3) Overflow pipes for water-supply tank.** Overflow pipes for gravity tanks shall discharge above a roof or catch basin, or they shall discharge over an open, water-supplied sink. Adequate overflow pipes properly screened against the entrance of insects and vermin shall be provided.

**10.8 (4) Tank supply.** The water-supply inlet within the tank shall be at an elevation no less than is required for an air gap in an open tank with overflow, but in no case shall the elevation be less than four inches above the overflow.

**10.8 (5) Drains.** Water supply tanks shall be provided with valved drain lines located at their lowest point and discharged as an indirect waste, or as required for overflow pipes in subsection 10.8 (3).

**10.8 (6) Size of overflow.** Overflow drains for water-supply tanks shall be adequately sized according to the supply.

**10.8 (7) Gravity and suction tanks.** Tanks used for domestic water supply, combined supply to fire standpipes and domestic water system, or to supply standpipes for fire-fighting equipment only, shall be equipped with tight covers which are vermin and rodent proof. Such tanks shall be vented with a return bend vent pipe having an area not less than one-half the area of the down feed riser, and the vent opening shall be covered with a metallic screen.

**10.8 (8) Pressure tanks.** Pressure tanks used for supplying water to the domestic water distribution system, combined supply to fire standpipes, and domestic water system, or to supply standpipes for fire equipment only, shall be equipped with a vacuum-breaking device located on the top of the tank. The air inlet of this device shall be covered with a metallic screen.

### **10.9 (135) Disinfection of Potable Water System Piping**

**10.9 (1) When required.** The administrative authority having jurisdiction may require when necessary that the potable-water system or any part thereof installed or repaired be disinfected in accordance with one of the following methods before it is placed in operation.

**10.9 (2) Distribution system.** The system, or part thereof, shall be filled with a solution containing one hundred parts per million of available chlorine and allowed to stand two hours before flushing and returning to service.

**10.9 (3) Storage tank.** In the case of a potable water storage tank where it is not possible to disinfect as provided in subsection 10.9 (2), the entire interior of the tank shall be swabbed with a solution containing two hundred parts per million of available chlorine, and the tank thoroughly flushed, before returning to service.

### **10.10 (135) Water Distribution Pipe, Tubing, and Fittings**

**10.10 (1) Materials.** Materials for water distribution pipes and tubing shall be of brass, copper, lead, cast iron, wrought iron, open-hearth iron, or steel pipe with appropriate approved fittings. (See chapter 3 for standards.) All threaded ferrous pipe and fittings shall have been galvanized (zinc coated) or cement lined and, when such pipe and fittings are used underground inside buildings, they shall be coal tar enamel coated and the threaded joints wrapped at the time of instal-

lation. Type K copper may be used under and above ground, Type L may be used above ground, and Type M may be used above ground where the water pressure is less than sixty pounds per square inch. Copper pipe and tubing shall be installed such that the color marking is clearly visible at the time of inspection.

Plastic pipe and fittings marked to indicate approval by the National Sanitation Foundation Testing Laboratory, and having properties suitable for the purpose intended, may be used for cold water piping underground outside the foundation walls of any building, including sprinkling systems serving lawns, golf courses, and similar installations; provided that such pipe shall not be used for building or house service lines connected to a public water supply system. When flexible polyethylene pipe is installed in trenches, it shall be laid in snake fashion to provide a uniform slack of at least two inches per one hundred feet of pipe and it shall not be jacked or pulled.

#### 10.11 (135) Allowance for Character of Water

**10.11 (1) Selection of materials.** When selecting the material and size for water-supply pipe, tubing, or fittings, due consideration shall be given to the working pressure and action of the water on the interior and of the soil, fill, or other material on the exterior of the pipe. No material that would produce toxic conditions in a potable-water-supply system shall be used for piping, tubing, or fittings.

**10.11 (2) Used piping.** No piping material that has been used for other than a potable-water-supply system shall be reused in the potable-water-supply system.

#### 10.12 (135) Water-Supply Control

**10.12 (1) Water-supply control.** A main shutoff valve on the water-service pipe shall be provided near the curb, and, also, an accessible shut-off valve shall be provided inside near the entrance of the water-service pipe into the building.

**10.12 (2) Tank controls.** Supply lines taken from pressure or gravity tanks shall be valved at or near their source.

**10.12 (3) Separate controls for each family unit.** In two-family or multiple dwellings, each family unit shall be controlled by an arrangement of shut-off valves which permit each group of fixtures or the individual fixtures to be shut off without interference with the water supply to any other family unit or other portion of the building.

#### 10.13 (135) Sizing the Water Supply System

**10.13 (1) Water-service pipe.** The water-service pipe from the street main to the water-distribution system for the building shall be of sufficient size to furnish an adequate flow of water to meet the requirements of the building at peak demand, and in no case shall be less than three-fourths inch nominal diameter.

If flushometers or other devices requiring a high rate of water flow are used, the water-service pipe shall be designed to supply this flow.

**10.13 (2) Demand load.** The demand load in the building water-supply system shall be based on the number and kind of fixtures installed and the probably simultaneous use of these fixtures.

#### 10.14 (135) Sizing the Water Distribution System

**10.14 (1) Design factors.** The sizing of the water distribution system shall conform with good engineering practice. Design factors used to determine pipe sizes shall be adequate in the judgment of the administrative authority.

**10.14 (2) Size of fixture supply.** The minimum size of a fixture-supply pipe shall be as follows:

Type of fixture or device	Pipe size (inch)
Bath tubs .....	½
Combination sink and tray .....	½
Drinking fountain .....	¾
Dishwasher (domestic) .....	½
Kitchen sink (residential) .....	½
Kitchen sink (commercial) .....	¾
Lavatory .....	¾
Laundry tray, 1, 2, or 3 compartments ....	½
Shower (single head) .....	½
Sinks (service, slop) .....	½
Sinks, flushing rim .....	¾
Urinal (flush tank) .....	¾
Urinal (direct flush valve) .....	¾
Water closet (tank type) .....	¾
Water closet (flush valve type) .....	1
Hose bibbs .....	½
Wall hydrant .....	½

For fixtures not listed, the minimum supply branch may be made the same as for a comparable fixture.

The minimum three-fourths inch service should be carried to the hot water heater or third branch opening in the usual residence.

#### 10.15 (135) Hot-Water Distribution

**10.15 (1) Hot-water distribution piping.** The sizing of the hot-water distribution piping shall conform to good engineering practice. (See sec. 10.14.)

#### 10.16 (135) Safety Devices

**10.16 (1) Pressure-relief valve.** Pressure-relief valves shall be installed for all equipment used for heating or storage of hot water. The rate of discharge of such a valve shall limit the pressure rise for any given heat input to ten percent of the pressure at which the valve is set to open. The setting shall not exceed the tank working pressure.

**10.16 (2) Temperature relief valves or energy shut-off devices.** Temperature relief valves or energy shut-off devices shall be installed for equipment used for the heating or storage of hot water. Each temperature relief valve shall be rated as to its BTU capacity. At 210° F., it shall be capable of discharging sufficient hot water to prevent any further rise in temperature. As an alternative to the temperature relief valve, and in lieu thereof, an energy shut-off device may be used, which will cut off the supply of heat energy to the water tank

before the temperature of the water in the tank exceeds 210° F.

**10.16 (3) Approvals.** Combination pressure and temperature relief valves, separate pressure and temperature relief valves, or energy shut-off devices, which have been tested and approved by, or meet the specification requirements of the American Gas Association, the Underwriters' Laboratories, Inc., or other recognized approval authorities, shall be considered acceptable.

**10.16 (4) Relief-valve location.** Temperature-relief valves shall be so located in the tank as to be actuated by the water in the top one-eighth of the tank served and in no case more than three inches away from such tank. Pressure-relief valves may be located adjacent to the equipment they serve. There shall be no check valve or shut-off valve between a relief valve and the heater or tank for which it is installed.

**10.16 (5) Relief outlet wastes.** The outlet of a pressure, temperature, or other relief valve shall not be connected to the drainage system as a direct waste but rather directed over a fixture if available or to the floor.

**10.16 (6) Pressure marking of storage tank.** Hot water storage tanks shall be permanently marked in an accessible place with the maximum allowable working pressure.

#### 10.17 (135) Miscellaneous

**10.17 (1) Drain cock.** All storage tanks shall be equipped with adequate drain cocks.

**10.17 (2) Line valves.** Valves in the water-supply distribution system, except those immediately controlling one fixture supply, when fully opened shall have a cross-sectional area of the smallest orifice or opening through which the water flows at least equal to the cross-sectional area of the nominal size of the pipe in which the valve is installed.

**10.17 (3) Water used for processing.** Water used for cooling of equipment or similar purposes shall not be returned to the potable-water distributing system. When discharged to the building drainage system, the waste water shall be discharged through an indirect waste pipe or air gap.

**10.17 (4) Pilot flame safety.** All automatic or semiautomatic water heaters using a burner having a pilot flame or low flame burner shall be provided with a suitable safety device which will prevent the escape of fuel in event the pilot flame is extinguished or fails.

### CHAPTER 11

#### DRAINAGE SYSTEM

[Amended March 18, 1964]

#### 11.1 (135) Materials

**11.1 (1) General.** Pipe, tubing, and fittings for drainage systems shall comply with the provisions in chapter 3.

**11.1 (2) Above ground piping within buildings.** Soil and waste piping for a drainage system within a building shall be of cast iron, galvanized wrought iron, galvanized open-

hearth iron, lead, brass, copper pipe I.P.S., or copper tubing, Types K, L, M, or DWV.

Service weight cast iron soil pipe may be used in buildings of four stories or less, but cast iron pipe in all other buildings shall be extra heavy weight. (See subsection 3.1 (1).) Galvanized steel pipe may be used in buildings of four stories or less.

Copper pipe I.P.S. and copper tubing Types K, L, and M may be used in all buildings. Copper tubing Type DWV may be used in single or two family dwellings, provided that copper tubing has proven to be a suitable material resistant to corrosion in the locality where used. All copper pipe and tubing shall be installed so that the color marking is clearly visible at the time of inspection on the full length of each piece installed.

**11.1 (3) Underground piping within buildings.** Drains within buildings, when underground, shall be of cast iron, lead, copper pipe I.P.S., or copper tubing Types K or L. Service weight cast iron pipe may be used in single and two family dwellings, but cast iron pipe for all other buildings shall be extra heavy weight. (See subsection 3.1 (1).) All copper pipe and tubing shall be installed so that the color marking is clearly visible at the time of inspection on the full length of each piece installed.

**11.1 (4) Fittings.** Fittings on the drainage system shall conform to the type of piping used. (See section 2.4.)

**11.1 (5) Concealed piping.** Concealed waste pipes under bathroom floors shall be of lead, brass, copper or cast iron soil pipe up to and including the fixture opening.

#### 11.2 (135) Building Sewer

**11.2 (1) Separate trenches.** The building sewer, when installed in a separate trench from the water service pipe (See subsection 10.6 (1).) may be of cast iron, vitrified clay, or concrete sewer pipe. For buildings of four stories or less, service weight cast iron (See subsection 3.1 (1).) may be used. For single or two family dwellings, cast iron sewer pipe with joints made as provided in subsection 4.2 (15), or asbestos-cement sewer pipe may be used. For single or two family dwellings served by private sewage disposal systems, bituminized fibre, or rigid plastic, sewer pipe may be used for building sewers leading to the disposal systems. Joints shall be installed to remain watertight and rootproof.

Bituminized fibre pipe may be used for the building sewer at single or two family dwellings when installed in a separate trench from the water service line, if specifically permitted by municipal ordinance or county regulation.

**11.2 (2) One trench.** The building sewer, when installed in the same trench with the water service pipe, shall be of cast iron pipe so installed to remain watertight and rootproof. For buildings two or more stories in height, the cast iron pipe shall be extra heavy weight. For building sewers serving single or two family dwellings, the joints may be made as provided in subsection 4.2 (15), provided

they are installed to remain watertight and roofproof. Where in the judgment of local authorities, cast iron is not a suitable sewer material for a particular installation, vitrified clay pipe may be used; provided that the joints are made as specified in the first and second paragraphs of subsection 4.2 (7), and that the pipe is installed to remain watertight and roofproof.

11.2 (3) *Sewer in filled ground.* A building sewer or building drain installed in filled or unstable ground shall be of cast iron pipe, except that nonmetallic piping may be laid upon an approved concrete pad if installed in accordance with subsection 11.2 (1).

11.2(4) *Sanitary and storm sewers.* Where separate systems of sanitary drainage and storm drainage are installed in the same property, the sanitary and storm building sewers or drains may be laid side by side in one trench.

11.2 (5) *Old house sewers and drains.* Old house sewers and house drains may be used in connection with new buildings or new plumbing and drainage work only when they are found, on examination, to conform in all respects to the requirements governing new house sewers.

11.2 (6) *Separate building sewer.* Each new building or existing building in which plumbing is installed shall have an independent connection with a public or private sewer, except as provided below.

Exception: Where one building stands in the rear of another building or an interior lot and no private independent sewer is available

or can be constructed to the rear building through an adjoining alley, court, yard, or driveway, the drain from the front building may be extended to the rear building, and the whole will be considered as one building drain.

11.3 (135) **Drainage Piping Installation**

11.3 (1) *Horizontal drainage piping.* Horizontal drainage piping shall be installed at a uniform slope, but at slopes not less than permitted in subsections 11.3 (2), 11.3 (3), and 11.3 (4).

11.3 (2) *Small piping.* Horizontal drainage piping of three-inch diameter and less shall be installed with a fall of not less than one-quarter inch per foot.

11.3 (3) *Large piping.* Horizontal drainage piping of larger than three-inch diameter shall be installed with a fall of not less than one-eighth inch per foot.

11.3 (4) *Minimum velocity.* Where conditions do not permit building drains and sewers to be laid with a fall as great as that specified, then a lesser slope may be permitted providing the computed velocity will be not less than two feet per second.

11.4 (135) **Fixture Units**

11.4 (1) *Values for fixtures.* Fixture-unit values as given in table 11.4 (2) designate the relative load weight of different kinds of fixtures which shall be employed in estimating the total load carried by a soil or waste pipe and shall be used in connection with the tables of sizes for soil, waste, and drain pipes for which the permissible load is given in terms of fixture units.

TABLE 11.4 (2) *Fixture units per fixture or group*

Fixture type	Fixture-unit value as load factors	Minimum size of trap (inches)
1 bathroom group consisting of water closet, lavatory, and bathtub or shower stall ....	Tank water closet ..... 6 Flush-valve water closet ... 8	
Bathtub <sup>1</sup> (with or without overhead shower)	2	1-½
Bathtub <sup>1</sup> .....	3	2
Bidet .....	3	Nominal ..... 1-½
Combination sink-and-tray .....	3	1-½
Combination sink-and-tray with food disposal unit .....	4	Separate traps ..... 1-½
Dental unit or cuspidor .....	1	1-¼
Dental lavatory .....	1	1-¼
Drinking fountain .....	½	1
Dishwasher, <sup>2</sup> domestic .....	2	1-½
Floor drains <sup>3</sup> .....	1	2
Kitchen sink, domestic .....	2	1-½
Kitchen sink, domestic, with food-disposal unit .....	3	1-½
Lavatory <sup>4</sup> .....	1	Small P. O. .... 1-¼
Do .....	2	Large P. O. .... 1-½
Lavatory, barber, beauty parlor .....	2	1-½
Lavatory, surgeon's .....	2	1-½
Laundry tray (1 or 2 compartments) .....	2	1-½
Shower stall, domestic .....	2	2
Showers (group) per head <sup>5</sup> .....	3	

Sinks:			
Surgeon's .....	3		1-½
Flushing rim (with valve) .....	8		3
Service (Trap standard) .....	3		3
Service (P trap) .....	2		2
Pot, scullery, etc. <sup>3</sup> .....	4		1-½
Urinal, pedestal, syphon jet, blowout .....	8	Nominal .....	3
Urinal, wall lip .....	4		1-½
Urinal stall, washout .....	4		2
Urinal trough <sup>3</sup> (each 2-foot section) .....	2		1-½
Wash sink <sup>2</sup> (circular or multiple), each set of faucets .....	2	Nominal .....	1-½
Water closet: .....			
Tank-operated .....	4	Nominal .....	3
Valve-operated .....	8		3

<sup>1</sup>A shower head over a bathtub does not increase the fixture value.

<sup>2</sup>See paragraphs 11.4(3) and 11.4(4) for method of computing unit value of fixtures not listed in table 11.4 (2) or for rating of devices with intermittent flows.

<sup>3</sup>Size of floor drain shall be determined by the area of surface water to be drained.

<sup>4</sup>Lavatories with 1¼- or 1½-inch traps have the same load value; larger P. O. plugs have greater flow rate.

11.4 (3) *Unlisted fixtures.* Fixtures not listed in table 11.4 (2) shall be estimated in accordance with table 11.4 (3)

TABLE 11.4 (3)

Fixture drain or trap size	Fixture-unit value	Fixture drain or trap size	Fixture-unit value
1¼ inches and smaller .....	1	2½ inches .....	4
1½ inches .....	2	3 inches .....	5
2 inches .....	3	4 inches .....	6

11.4 (4) *Values for continuous flow.* For a continuous or semicontinuous flow into a drainage system, such as from a pump, pump ejector, air-conditioning equipment, or similar device, two fixture units shall be allowed for each gallon-per-minute of flow.

11.5 (135) *Determination of Sizes for the Drainage System*

11.5 (1) *Maximum fixture-unit load.* The maximum number of fixture units that may be connected to a given size of building sewer, building drain, horizontal branch, vertical soil or waste stack, is given in tables 11.5 (2) and 11.5 (3).

TABLE 11.5 (2) *Building drains and sewers*

Diameter of pipe (inches)	Maximum number of fixture units that may be connected to any portion (1) of the building drain or the building sewer.			
	Fall per foot			
	⅛ inch	⅜ inch	¼ inch	½ inch
2 .....			21	26
2½ .....			24	31
3 .....		(2) 20	(2) 27	(2) 36
4 .....		180	216	250
5 .....		390	480	575
6 .....		700	840	1000
8 .....	1400	1600	1920	2300
10 .....	2500	2900	3500	4200
12 .....	3900	4600	5600	6700

(1) Includes branches of the building drain.

(2) Not over 2 water closets.

TABLE 11.5 (3) *Horizontal fixture branches and stacks*

Diameter of pipe (inches)	Maximum number of fixtures that may be connected to—			
	Any horizontal (1) fixture branch	1 stack of 3 stories in height or 3 intervals	More than 3 stories in height	
			Total for stack	Total at 1 story or branch interval
1¼ .....	1	2	2	1
1½ .....	3	4	8	2
2 .....	6	10	24	6
2½ .....	12	20	42	9
3 .....	(2) 20	(3) 30	(3) 60	(2) 16
4 .....	160	240	500	90
5 .....	360	540	1100	200
6 .....	620	960	1900	350
8 .....	1400	2200	3600	600
10 .....	2500	3300	5600	1000
12 .....	3900	6000	8400	1500

(1) Does not include branches of the building drain.

(2) Not over 2 water closets.

(3) Not over 6 water closets.

**11.5 (4) Minimum size of soil and waste stacks.** No soil or waste stack shall be smaller than the largest horizontal branch connected thereto except that a 4x3 w.c. connection shall not be considered as a reduction in pipe size. No main house sewer or drain shall be less than four inches in diameter.

**11.5 (5) Minimum size of stack-vent or vent stack.** Any structure on which a building drain is installed shall have at least one stack-vent or vent stack carried full size through the roof not less than three inches in diameter.

**11.5 (6) Future fixtures.** When provision is made for the future installation of fixtures, those provided for shall be considered in determining the required sizes of drain pipes. Construction to provide for such future installation shall be terminated with a plugged fitting or fittings at the stack so as to form no dead end.

#### 11.6 (135) Offsets on Drainage Piping

**11.6 (1) Offsets of 45° or less.** An offset in a vertical stack, with a change in direction of 45° or less from the vertical, may be sized as a straight vertical stack. In case a horizontal branch connects to the stack within two feet above or below the offset, a relief vent shall be installed in accordance with subsection 12.18 (3).

**11.6 (2) Waste stacks serving kitchen sinks.** In a one- or two-family dwelling only in which the waste stack or vent receives the discharge of a kitchen-type sink and also serves as a vent for fixtures connected to the horizontal portion of the branch served by the waste stack, the minimum size of the waste stack up to the highest sink branch connection shall be two inches in diameter. Above that point the size of the stack shall be governed by the total number of fixture units vented by the stack.

**11.6 (3) Above highest branch.** An offset

above the highest horizontal branch is an offset in the stack-vent and shall be considered only as it affects the developed length of the vent.

**11.6 (4) Below lowest branch.** In the case of an offset in a soil or waste stack below the lowest horizontal branch, no change in diameter of the stack because of the offset shall be required if it is made at an angle not greater than forty-five degrees. If such an offset is made at an angle greater than forty-five degrees, the required diameter of the offset and the stack below, it shall be determined as for a building drain. (See table 11.5 (2).)

**11.6 (5) Offsets of more than 45°.** A stack with an offset of more than forty-five degrees from the vertical shall be sized as follows:

The portion of the stack above the offset shall be sized as for a regular stack based on the total number of fixture units above the offset.

The upper portion of the stack above the offset shall be sized as for a building drain. (See table 11.5 (2), column 5.)

A relief vent for the offset shall be installed as provided in chapter 12 and in no case shall the horizontal branch connect to the stack within two feet above or below the offset.

#### 11.7 (135) Sumps and Ejectors

**11.7 (1) Building drains below sewer.** Building drains which cannot be discharged to the sewer by gravity flow shall be discharged into a tightly covered and vented sump from which the liquid shall be lifted and discharged into the building gravity drainage system by automatic pumping equipment or by any equally efficient method approved by the administrative authority. (Also see section 11.7 (9).)

**11.7 (2) Design storage period.** The designed storage of drainage in a sump or ejector shall not exceed a period of twelve hours.

**11.7 (3) Design.** Sump and pumping equip-

ment shall be so designed as to discharge all contents accumulated in the sump during the cycle of emptying operation.

**11.7 (4) Venting.** The system of drainage piping below the sewer level shall be installed and vented, in a manner similar to that of the gravity system.

**11.7 (5) Duplex equipment.** Sumps receiving the discharge of more than six water closets shall be provided with duplex pumping equipment.

**11.7 (6) Vent sizes.** Building sump vents shall be sized in accordance with table 12.21 (5) but shall in no case be sized less than one and one-half inches.

**11.7 (7) Separate vents.** Vents from pneumatic ejectors or similar equipment shall be carried separately to the open air as a vent terminal.

**11.7 (8) Connection.** No direct connection of a steam exhaust shall be made with the building drainage system.

**11.7 (9) Sumps in single family dwellings.** In single family dwellings sumps of approved construction to which no fixtures except one floor drain are connected, and which receive only laundry wastes or basement drainage, need not be air tight nor vented.

### 11.8 (135) Floor Drains

**11.8 (1) Accessibility.** Floor drains shall connect into a trap so constructed that it can be readily cleaned and of a size to serve efficiently the purpose for which it is intended. The drain inlet shall be so located that it is, at all times, in full view.

**11.8 (2) Connection.** Floor drains subject to sewage backflow shall not be directly connected to the drainage system without suitable protection.

**11.8 (3) Provision for evaporation.** Floor-drain trap seals subject to evaporation shall be of the deep-seal type or shall be fed from an approved plumbing fixture. All automatic floor drain primers directly connected with the water supply are prohibited.

**11.8 (4) Size.** Basement floor drains shall be not less than three inches in size and shall connect to the sewer at least five feet from the base of the stack unless vented.

### 11.9 (135) Frost Protection

**11.9 (1) Required.** No soil or waste pipes shall be installed or permitted outside of a building, or concealed in outside walls or in any place where they may be subjected to freezing temperatures, unless adequate provision is made to protect them from frost.

#### CHAPTER 12

#### VENTS AND VENDING

[Amended March 18, 1964]

### 12.1 (135) Materials

**12.1 (1) Vents.** Pipe, tubing, and fittings for the vent piping system shall comply with the provisions in chapter 3.

**12.1 (2) Specific type.** Standards given in table 3.5 apply to the specific materials ap-

proved for use and as indicated in the various paragraphs in this chapter as they apply to the venting system.

**12.1 (3) Above-ground piping.** Vent piping above ground shall be of cast iron, galvanized wrought iron, ferrous alloys, lead, brass, copper pipe I.P.S., or copper tubing Types K, L, M, or DWV.

Service weight cast iron pipe may be used in buildings of four stories or less; but cast iron pipe in all other buildings shall be extra heavy weight. (See subsection 3.1 (1).) Galvanized steel pipe may be used in buildings of four stories or less.

Copper pipe I.P.S. and copper tubing Types K, L, and M may be used in all buildings. Copper tubing Type DWV may be used in single or two family dwellings, provided that copper tubing has proven to be a suitable material resistant to corrosion in the locality where used. All copper pipe and tubing shall be installed so that the color marking is clearly visible at the time of inspection on the full length of each piece installed.

**12.1 (4) Underground.** Vent piping placed underground shall be of cast iron, lead, copper pipe I.P.S., or copper tubing Types K or L. Service weight cast iron pipe may be used for single or two family dwellings, but cast iron pipe for all other buildings shall be extra heavy weight. (See subsection 3.1 (1).) All copper pipe and tubing shall be installed so that the color marking is clearly visible at the time of inspection on the full length of each piece installed.

**12.1 (5) Fittings.** Fittings shall conform to the type of pipe used in the vent system as required by subsections 12.1 (2) and 12.1 (3)

**12.1 (6) Acid system.** Vent piping of acid waste systems shall conform to that required for acid waste pipe.

### 12.2 (135) Protection of Trap Seals

**12.2 (1) Traps protected.** The protection of trap seals from siphonage or back pressure shall be accomplished by the appropriate use of soil or waste stacks, vents, revents, back vents, loop vents, circuit or continuous vents, or combinations thereof, installed in accordance with the requirements of this chapter.

### 12.3 (135) Vent Stacks

**12.3 (1) Installation.** A vent stack or a main vent shall be installed with a soil or waste stack whenever back vents, relief vents, or other branch vents, are required in two or more branch intervals.

**12.3 (2) Terminal.** The vent stack shall terminate independently above the roof of the building or shall be connected with the extension of the soil or waste stack (stack-vent) at least six inches above the flood-level rim of the highest fixture.

**12.3 (3) Main stack.** Every building in which plumbing is installed shall have at least one main stack, which shall run undiminished in size and as directly as possible, from the building drain through to the open air above the roof.

**12.4 (135) Vent Terminals**

**12.4 (1) Roof extension.** Extensions of vent pipes through a roof shall be terminated at least six inches above it or above flood level.

**12.4 (2) Roof garden.** Where a roof is to be used for any purpose other than weather protection, the vent extensions shall be run at least six feet above the roof.

**12.4 (3) Flashings.** Each vent terminal shall be made watertight with the roof by proper flashing of copper or lead.

**12.4 (4) Flag poling.** Vent terminals shall not be used for the purpose of flag poling, TV aerials, or similar purposes, except when the piping has been anchored to the construction and approved as safe by the administrative authority.

**12.4 (5) Location of vent terminal.** No vent terminal from a drainage system shall be directly beneath any door, window, or other ventilating opening of the building or of an adjacent building, nor shall any such vent terminal be within ten feet horizontally of such an opening unless it is at least two feet above or back of the top of such an opening.

**12.4 (6) Vent terminals of existing buildings.** Where a new building is higher than an adjacent existing building, the owner of the new building shall defray the cost of complying with subsection 12.4 (5) as approved by the administrative authority.

**12.4 (7) Extensions outside building.** No soil, waste, or vent pipe extension shall be run or placed on the outside of a wall of any new building, but shall be carried up inside the building.

**12.5 (135) Frost Closure**

**12.5 (1) Vent terminal.** The roof terminal of any stack or vent shall be increased in size as shown in the following table:

- 1¼ inches increased to 2½ inches
- 1½ inches increased to 2½ inches
- 2 inches increased to 4 inches
- 2½ inches increased to 4 inches
- 3 inches increased to 5 inches
- 3½ inches increased to 5 inches
- 4 inches increased to 6 inches

**12.6 (135) Vent Grades and Connections**

**12.6 (1) Grade.** All vent and branch-vent pipes shall be so graded and connected as to drip back to the soil or waste pipe by gravity.

**12.6 (2) Vertical rise.** Where vent pipes connect to a horizontal soil or waste pipe, the vent shall be taken off above the center line of the soil pipe, and the vent pipe shall rise vertically, or at an angle not more than 45° from the vertical, to a point at least six inches above the flood-level rim of the fixture it is venting before offsetting horizontally or before connecting to the branch vent.

**12.6 (3) Height above fixture.** A connection between a vent pipe and a vent stack or stack-vent shall be made at least six inches above the flood-level rim of the highest fixtures served by the vent. Horizontal vent pipes forming branch vents, relief vents, or loop vents shall

be at least six inches above the flood-level rim of the highest fixture served.

**12.7 (135) Bars and Soda-fountain Sinks**

**12.7 (1) Bar and soda-fountain wastes.** A bar or soda fountain may be drained indirectly over a sink or other receptacle and such sink or receptacle shall be located in full view on the same floor level as the bar or fountain it serves, and shall connect directly to the sewer and be properly vented. All such bar or soda-fountain connections shall be installed under the approval of the proper administrative authority.

**12.7 (2) Sumps.** Sinks or sumps, receiving indirect waste, shall be located in a properly lighted and ventilated space.

**12.8 (135) Fixtures Back-to-Back**

**12.8 (1) Distance.** Two fixtures set back-to-back, or adjacent to each other within the distance allowed between a trap and its vent, may be served with one continuous soil or waste-vent pipe, provided that each fixture wastes separately into an approved double fitting having inlet openings at the same level. (See subsection 12.10 (2).)

**12.9 (135) Fixture Vents**

**12.9 (1) Distance of trap from vent.** Each fixture trap shall have a protecting vent so located that the slope and the developed length in the fixture drain from the trap weir to the vent fitting are within the requirements set forth in table 12.9 (3).

**12.9 (2) Trap-seal protection.** The plumbing system shall be provided with a system of vent piping which will permit the admission or emission of air so that under normal and intended use the seal of any fixture trap shall not be subjected to a pressure differential of more than one inch of water.

**12.9 (3) Table.** Distance of fixture trap from vent, using sanitary Tee connection:

Size of fixture and drain (inches)	Distance trap to vent	
	feet	inches
1¼	5	0
1½	6	0
2	8	0
3	12	0
4	12	0

**12.9 (4) Trap dip.** The vent pipe opening from a soil or waste pipe, except for water closets and similar fixtures, shall not be below the top weir of the trap.

**12.9 (5) Crown vent.** No back vent shall be installed within two pipe diameters of the trap weir.

**12.10 (135) Common Vent**

**12.10 (1) Individual vent.** An individual vent, installed vertically, may be used as a common vent for two fixture traps when both fixture drains connect with a vertical drain at the same level.

**12.10 (2) Common vent.** A common vent may be used for two fixtures set on the same floor level but connecting at different levels in the stack, provided the vertical drain is one



pipe size larger than the upper fixture drain but in no case smaller than the lower fixture drain, whichever is the larger and that both drains conform to table 12.9 (3).

**12.11 (135) Vents for Fixture Trap Below Trap Dip**

**12.11 (1) Hydraulic Gradient.** Fixture drains shall be vented within the hydraulic gradient between the trap outlet and vent connection, but in no case shall the unvented drain exceed the distance provided for in table 12.9 (3).

**12.11 (2) Different levels.** If any stack has fixtures entering at different levels, the fixtures other than the fixture entering at the highest level shall be vented, except as may be permitted in other sections of this chapter.

**12.12 (135) Wet Venting**

**12.12 (1) Single bathroom groups.** A group of fixtures located on the same floor level may be group vented, providing that the highest fixture trap of such a group is not more than four feet above the lowest fixture trap, but such installations shall be subject to the following limitations:

(a) One fixture of two or less units may drain into the vent of a three inch closet branch.

(b) One fixture of two or less units may drain into the vent of a one and one-half inch bathtub waste pipe.

(c) Two fixtures of two or less units may drain into the vent of a two inch bathtub waste serving two or less tubs providing that they drain into the vent at the same level.

**12.12 (2) Double bathroom group.** Where bathrooms or water closets or other fixtures are located on opposite sides of a wall or partition or are adjacent to each other within the prescribed distance, such fixtures may have a common soil or waste pipe and common vent. Water closets having a common soil and vent stack shall drain into the stack at the same level.

**12.12 (3) Multistory bathroom groups.** On the lower floors of a multistory building, the waste pipe from one or two lavatories may be used as a wet vent for one or two bathtubs or showers provided that:

(a) The wet vent and its extension to the vent stack is two inches in diameter.

(b) Each water closet below the top floor is individually back vented.

(c) The vent stack is sized as given in table 12.12 (3) (c).

TABLE 12.12 (3) (c) *size of vent stacks*  
Diameter of vent stacks

Number of wet-vented fixtures	(inches)
1 or 2 bathtubs or showers	2
3 to 5 bathtubs or showers	2½
6 to 9 bathtubs	3
10 to 16 bathtubs	4

**12.12 (4) (For future use)**

**12.12 (5) Basement closets.** Basement closets, or floor drains, may be vented by the

waste line from a first floor sink or lavatory having a one and one-half inch waste and vent pipe.

**12.13 (135) Stack Venting**

**12.13 (1) One-bathroom group.** A group of fixtures, consisting of one bathroom group and a kitchen sink or combination fixture, may be installed without individual fixture vents, in a one-story building, or on the top floor of a building, providing that the highest fixture trap of such a group is not more than four feet above the lowest fixture trap.

**12.14 (135) Individual Fixture Reventing**

**12.14 (1) Horizontal branches.** With the fixtures located in the same room, one sink and one lavatory, or three lavatories (within eight feet developed length of a main-vented line) may be installed on a two-inch horizontal waste branch without reventing, provided the branch is not less than two inches in diameter throughout its length, and provided that the wastes are connected into the side of the branch and the branch leads to its sanitary tee stack connection with a slope of not more than one-fourth inch per foot.

**12.14 (2) Where required.** When fixtures other than water closets or floor drains discharge downstream from a water closet, each fixture connecting downstream shall be individually vented, except as in subsection 12.23 (1).

**12.14 (3) Limits of fixture units above highest bathroom groups.** A fixture or combination of fixtures whose total discharge rating is not more than three fixture units may discharge into a stack not less than three inches in diameter without reventing, provided such fixture connections are made above the connection to the highest bathroom group, and the fixture unit rating of the stack is not otherwise exceeded, and their waste piping is installed as otherwise required in subsection 12.14 (1). When this is done, vents from lower fixtures shall be carried above the highest fixture waste connection to the stack.

**12.15 (135) Circuit and Loop Venting**

**12.15 (1) Battery venting.** A branch soil or waste pipe to which two but not more than eight water closets, pedestal urinals, trap standard to floor, shower stalls, or floor drains are connected in battery, shall be vented by a circuit or loop vent which shall take off in front of the last fixture connection. In addition, lower-floor branches serving more than three water closets shall be provided with a relief vent taken off in front of the first fixture connection.

**12.15 (2) Dual relief vents.** Two-circuit vented horizontal branches serving a total of not more than eight water closets in the same branch interval shall have a dual relief vent. Where the vents are joined, the point of joining shall be at least six inches above the flood-level rim of the highest fixture connected to either branch. When other fixtures discharge above such a branch, each branch shall be provided with a vent.

**12.15 (3) Vent connections.** When the circuit, loop, or relief vent connections are taken off the horizontal branch, the vent branch connection shall be taken off at vertical angle or from the top of the horizontal branch.

#### **12.16 (135) Pneumatic Ejectors**

**12.16 (1) Vent installation.** Relief vents from a pneumatic ejector shall not be connected to a fixture-branch vent but shall be carried separately to a main vent or stack-vent or to the open air.

#### **12.17 (135) Relief Vents**

**12.17 (1) Stacks of more than ten branch intervals.** Soil and waste stacks in buildings having more than ten branch intervals shall be provided with a relief vent at each tenth interval installed, beginning with the top floor. The size of the relief vent shall be equal to the size of the vent stack to which it connects. The lower end of each relief vent shall connect to the soil or waste stack through a Y below the horizontal branch serving the floor and the upper end shall connect to the vent stack through a Y not less than three feet above the floor levels.

#### **12.18 (135) Offsets at an Angle Less Than 45° From the Horizontal in Buildings of Five or More Stories**

**12.18 (1) Offset vents.** Offsets less than 45° from the horizontal, in a soil or waste stack, except as permitted in chapter 11, section 11.6, shall comply with subsections 12.18 (2) and 12.18 (3).

**12.18 (2) Separate venting.** Such offsets may be vented as two separate soil or waste stacks, namely, the stack section below the offset and the stack section above the offset.

**12.18 (3) Offset reliefs.** Such offsets may be vented by installing a relief vent as a vertical continuation of the lower section of the stack or as a side vent connected to the lower section between the offset and the next lower fixture or horizontal branch. The upper section of the offset shall be provided with a yoke vent. The diameter of the vents shall be not less than the diameter of the main vent, or of the soil and waste stack, whichever is the smaller.

#### **12.19 (135) Main Vents to Connect at Base**

**12.19 (1) Size.** All main vents or vent stacks shall connect full size at their base to the

building drain or to the main soil or waste pipe, at or below the lowest fixture branch. All vent pipes shall extend undiminished in size above the roof, or shall be reconnected with the main soil or waste vent.

#### **12.20 (135) Vent Headers**

**12.20 (1) Connections of vents.** Stack-vents and vent stacks may be connected into a common vent header at the top of the stacks and then extended to the open air at one point. This header shall be sized in accordance with the requirements of table 12.21 (5), the number of units being the sum of all units on all stacks connected thereto, and the developed length being the longest vent length from the intersection at the base of the most distant stack to the vent terminal in the open air as a direct extension of one stack.

#### **12.21 (135) Size and Length of Vents**

**12.21 (1) Length of vent stacks.** The length of the vent stack or main vent shall be its developed length from the lowest connection of the vent system with the soil stack, waste stack, or building drain to the vent stack terminal, if it terminates separately in the open air, or to the connection of the vent stack with the stack-vent, plus the developed length of the stack-vent from the connection to the terminal in the open air, if the two vents are connected together with a single extension to the open air.

**12.21 (2) Size of individual vents.** The diameter of an individual vent shall be not less than one and one-fourth inches nor less than one-half the diameter of the drain to which it is connected.

**12.21 (3) Size of relief vent.** The diameter of a relief vent shall be not less than one-half the diameter of the soil or waste branch to which it is connected.

**12.21 (4) Size of circuit or loop vent.** The diameter of a circuit or loop vent shall be not less than one-half the size of the diameter of the horizontal soil or waste branch or the diameter of the vent stack, whichever is the smaller.

**12.21 (5) Size of vent piping.** The size of vent piping shall be determined from its length and the total of fixture units connected thereto, as provided in table 12.21 (5). Twenty percent of the total length may be installed in a horizontal position.

TABLE 12.21 (5) *size and length of vents*

Size of soil or waste stack (inches)	Fixture units connected	Diameter of vent required (inches)								
		1¼	1½	2	2½	3	4	5	6	8
		Maximum length vent (feet)								
1¼	2	30								
1½	8	50	150							
1½	10	30	100							
2	12	30	75	200						
2	20	26	50	150						
2½	42		30	100	300					
3	10		30	100	200	600				
3	30			60	200	500				
3	60			50	80	400				
4	100			35	100	200	1000			
4	200			30	90	250	900			
4	500			20	70	180	700			
5	200				35	80	350	1000		
5	500				30	70	300	900		
5	1100				20	50	200	700		
6	350				25	50	200	400	1300	
6	620				15	30	125	300	1100	
6	960					24	100	250	1000	
6	1900					20	70	200	700	
8	600						50	150	500	1300
8	1400						40	100	400	1200
8	2200						30	80	350	1100
8	3600						25	60	250	800
10	1000							75	125	1000
10	2500							50	100	500
10	3800							30	80	350
10	5600							25	60	250

12.22 (For future use)

### 12.23 (135) Vents Not Required

12.23 (1) *Vents not required.* No vents will be required on a down spout or rain leader trap, a backwater valve, a subsoil catch basin trap, on a three-inch basement floor drain, or a water closet, provided its drain branches into the house drain on the sewer side at a distance of five feet or more from the base of the stack and the branch line to such floor drain or water closet is not more than twelve feet in length.

### 12.24 (135) Special Waste and Vent Installations

12.24 (1) *Where permitted.* Where unusual design and structural conditions appear to preclude or prevent the conventional installations of plumbing in accord with this code, the administrative authority should be consulted.

#### CHAPTER 13

#### STORM DRAINS

[Amended March 18, 1964]

### 13.1 (135) General

13.1 (1) *Drainage required.* Roofs, paved areas, yard, courts, and courtyards shall be drained into a storm sewer when such a sewer is abutting the property, or otherwise available as required by the local administrative authority.

Such drainage may be discharged into a combined sewer system where such a system

is available and where not prohibited by the administrative authority having jurisdiction.

13.1 (2) *Prohibited drainage.* Storm water shall not be drained into sewers intended for sewage only.

13.1 (3) *Traps.* Leaders or down spouts, when connected to a combined sewer, shall be trapped.

13.1 (4) *Expansion joints.* Expansion joints or sleeves shall be provided where warranted by temperature variations or physical conditions.

13.1 (5) *Subsoil drainage.* No subsoil drainage system shall be installed to drain into a sewer intended for sanitary sewage unless approval is obtained from the proper local administrative authority.

13.1 (6) *Subsoil drain.* Where subsoil drains are placed under the cellar or basement floor or are used to surround the outer walls of a building, they shall be made of open jointed, horizontally split, or perforated clay tile; or perforated bituminized fibre pipe, asbestos-cement pipe, or rigid plastic pipe; not less than four inches in diameter. They shall be drained over an open floor drain that is supplied with water; and the subsoil drain shall be equipped with an approved type of back water valve if the building is subject to flooding. Subsoil drains may discharge into a properly installed sump. Such sumps do not require vents. The building storm and subsoil drainage systems shall be connected to a storm sewer when such a sewer abuts the property.

**13.1 (7) Building subdrains.** Building subdrains located below the public sewer level shall discharge into a sump or receiving tank, the contents of which shall be automatically lifted and discharged into the drainage system as required for building sumps. (See section 11.7.)

**13.2 (135) Materials**

**13.2 (1) Inside conductors.** Conductors placed within a building or run in a vent or pipe shaft shall be of cast iron, galvanized steel, galvanized wrought iron, galvanized ferrous alloys pipe, brass, copper tubing, or lead.

**13.2 (2) Outside leaders.** When outside leaders are of sheet metal and connected with a building storm drain or storm sewer, they shall be connected to a cast iron drain extending above the finish grade, or the sheet metal leader shall be protected against injury.

**13.2 (3) Underground storm drains.** Building storm drains underground, inside the building, shall be of cast iron soil pipe or copper pipe or copper tubing.

**13.2 (4) Building storm drains.** Building storm drains, underground, beneath the building, shall be of cast iron soil pipe or copper pipe or copper tubing.

**13.2 (5) Building storm sewers.** The building storm sewer shall be of cast iron soil pipe, vitrified clay pipe, concrete pipe, bituminized-fibre pipe, or asbestos-cement pipe. Cement mortar joints may be used in clay and cement pipe.

**13.3 (135) Traps**

**13.3 (1) Main trap.** Storm water drains connected to a combined sewage system shall be trapped except where the roof or gutter opening is located in accord with the requirements for vent terminals, section 12.4 (5). One trap may serve several conductors but traps must be set below frost or inside the building.

**13.3 (2) Material.** Storm water traps, when required, shall be of cast iron or copper pipe or copper tubing.

**13.3 (3) Exception.** No traps shall be required for storm water drains which are connected to a sewer carrying storm water exclusively.

**13.3 (4) Size.** Traps for individual conductors shall be the same size as the horizontal branch to which they are connected.

**13.3 (5) Location.** Conductor traps shall be so located that an accessible clean-out may be installed on the building side of the trap.

**13.4 (135) Conductors and Connections**

**13.4 (1) Prohibited uses.** Conductor pipes shall not be used as soil, waste, or vent pipes, nor shall soil, waste, or vent pipes be used as conductors.

**13.4 (2) Protection.** Rain water conductors installed along alleyways, driveways, or other locations where they may be exposed to damage shall be protected by metal guards, re-

cessed into the wall, or constructed from ferrous alloy pipe.

**13.5 (135) Roof Drains**

**13.5 (1) Material.** Roof drains shall be of cast iron, copper, lead, or other acceptable corrosion-resisting material, securely bolted or screwed to the conductor or leader.

**13.5 (2) Strainers.** All roof areas, except those draining to hanging gutters, shall be equipped with roof drains having strainers.

**13.5 (3) Flat decks.** Roof drain strainers for use on sun decks, parking decks, and similar areas, normally serviced and maintained, may be of the flat surface type, level with the deck.

**13.5 (4) Roof drain flashings.** The connection between roofs and roof drains which pass through the roof and into the interior of the building shall be made watertight by the use of proper flashing material or roof connection.

**13.6 (135) Size of Leaders and Storm Drains**

**13.6 (1) Leaders.** Vertical leaders shall be sized on the maximum projected roof area, according to the following table:

TABLE 13.6 (1)  
size of vertical leaders

Diameter of leader or conducted (1) (inches)	Maximum projected roof area (sq. ft.)
2	720
2½	1,300
3	2,200
4	4,600
5	8,650
6	13,500
8	29,000

(1) The equivalent diameter of a square or rectangular leader may be taken as the diameter of that circle which may be inscribed within the cross-sectional area of the leader.

Note—See footnote to table 13.6 (2).

**13.6 (2) Building storm drain.** The size of the building storm drain or any of its horizontal branches having a slope of one-half inch or less per foot, shall be based upon the maximum projected roof area to be handled according to the following table:

TABLE 13.6 (2)  
size of horizontal storm drains

Diameter of drain (Inches)	Maximum projected roof area for drains for various slopes		
	½ inch sq. ft.	¼ inch sq. ft.	⅓ inch sq. ft.
3	822	1,160	1,644
4	1,880	2,650	3,760
5	3,340	4,720	6,680
6	5,350	7,550	10,700
8	11,500	16,300	23,000
10	20,700	29,200	41,400
12	33,300	47,000	66,600
15	59,500	84,000	119,000

(1) Tables 13.6 (1) and 13.6 (2) are based on a maximum rate of rainfall of four inches per hour.

**13.6 (3) Roof Gutters**—The size of semi-circular gutters shall be based on the maximum projected roof area, according to the following table:

TABLE 13.6 (3) *size of gutters*

Diameter of gutter (1) (inches)	Maximum projected roof area for gutters of various slopes			
	$\frac{1}{8}$ inch	$\frac{1}{4}$ inch	$\frac{1}{2}$ inch	$\frac{3}{4}$ inch
	(sq. ft.)	(sq. ft.)	(sq. ft.)	(sq. ft.)
3 .....	170	240	340	480
4 .....	360	510	720	1020
5 .....	625	880	1250	1770
6 .....	900	1360	1920	2770
7 .....	1380	1950	2760	3900
8 .....	1990	2800	3980	5600
10 .....	3600	5100	7200	10000

(1) Gutters other than semicircular may be used provided they have an equivalent cross-sectional area.

### 13.7 (135) Size of Combined Drains and Sewers

**13.7 (1) Conversion of roof area to fixture units.** In computing the size of combined building drains or sewers to which storm drains serving a roof, court, or paved area are to be connected, the area drained may be converted to equivalent fixture unit loads by placing a value of two hundred fifty-six fixture units on the first one thousand square feet, or portion thereof, of area to be drained; and one additional fixture unit for each 3.9 square feet thereafter.

### 13.8 (135) Values for Continuous Flow

**13.8 (1) Flow factor.** Where there is a continuous or semicontinuous discharge into the building storm drain or building storm sewer, as from a pump, ejector, air-conditioning plant, or similar device, each gallon per minute of such discharge shall be computed as being equivalent to twenty-four square feet of roof area, based on a four-inch rainfall.

## CHAPTER 14

### INSPECTION AND TESTS [Amended March 18, 1964]

#### 14.1 (135) Inspections

**14.1 (1) New work.** All new plumbing work, and such portions of existing systems as may be affected by new work or any changes, shall be inspected to insure compliance with all the requirements of this code and to assure that the installation and construction of the plumbing system is in accordance with approved plans.

#### 14.2 (135) Notification

**14.2 (1) Advance notice.** It shall be the duty of the holder of a permit to give notice to the administrative authority when plumbing work is ready for test or inspection.

**14.2 (2) Responsibility.** It shall be the duty of the holder of a permit to make sure that the work will stand the test prescribed before giving the notification.

**14.2 (3) Retesting.** If the administrative authority finds that the work will not pass the

test, necessary corrections shall be made and the work shall then be resubmitted for test or inspection.

**14.2 (4) Tests.** Tests shall be conducted in the presence of the administrative authority or of his duly appointed representative.

#### 14.3 (135) Plumbing Plans

**14.3 (1) Examination of plans.** All plans and specifications required to be submitted shall be examined by the administrative authority for acceptability under the provisions of this code.

#### 14.4 (135) Violations

**14.4 (1) Notice delivery.** Notices of violations shall be mailed or delivered by the administrative authority to the person responsible at the time inspection was made.

#### 14.5 (135) Covering of Work

**14.5 (1) Requirements.** No drainage or plumbing system or part thereof shall be covered until it has been inspected, tested, and accepted as prescribed in this code.

**14.5 (2) Uncovering.** If any building drainage or plumbing system or part thereof which is installed, altered, or repaired, is covered before being inspected, tested, and approved, as prescribed in this code, it shall be uncovered for inspection after notice to uncover the work has been issued to the responsible person by the administrative authority.

#### 14.6 (135) Material and Labor for Tests

**14.6 (1) Facilities to be provided.** The equipment, material, and labor necessary for inspection or tests shall be furnished by the person to whom the permit is issued or by whom inspection is requested.

#### 14.7 (135) Tests of Drainage and Vent Systems

**14.7 (1) Requirements.** The piping of the plumbing, drainage, and venting systems shall be tested with water or air. After the plumbing fixtures have been set and their traps filled with water, the entire drainage system shall be submitted to a final inspection. The administrative authority may require the

removal of any cleanouts, to ascertain if the pressure has reached all parts of the system.

#### 14.8 (135) Methods of Testing Drainage and Vent Systems

**14.8 (1) Water test.** The water test shall be applied to the drainage system either in its entirety or in sections. If applied to the entire system, all openings in the piping shall be tightly closed, except the highest opening, and the system filled with water to point of overflow. If the system is tested in sections, each opening shall be tightly plugged except the highest opening of the section under test, and each section shall be filled with water, but no section shall be tested with less than a ten-foot head of water. In testing successive sections, at least the upper ten feet of the next preceding section shall be tested, so that no joint or pipe in the building (except the uppermost ten feet of the system) shall have been submitted to a test of less than a ten-foot head of water. The water shall be kept in the system, or in the portion under test, for at least fifteen minutes before inspection starts; the system shall then be tight at all points.

**14.8 (2) Air test.** The air test shall be made by attaching an air compressor testing apparatus to any suitable opening, and, after closing all other inlets and outlets to the system, forcing air into the system until there is a uniform gauge pressure of five pounds per square inch or sufficient to balance a column of mercury ten inches in height. This pressure shall be held without introduction of additional air for a period of at least fifteen minutes.

#### 14.9 (135) Building Sewer

**14.9 (1) Test required.** Building sewers shall be tested.

**14.9 (2) Method.** Test shall consist of plugging end of building sewer at point of connection with the public sewer and filling the building sewer with water and testing with not less than a ten-foot head of water.

#### 14.10 (135) Inspection and Tests Not Required

**14.10 (1) Exception.** No test or inspection shall be required where a plumbing system, or part thereof, is set up for exhibition purposes and has no connection with a water or drainage system.

#### 14.11 (135) Tests of Water-Supply System

**14.11 (1) Test of system.** Upon completion of a section or of the entire water-supply system, it shall be tested and proved tight under a water pressure not less than the working pressure under which it is to be used. The water used for tests shall be obtained from a potable source of supply.

#### 14.12 (135) Tests of Interior Leaders

**14.12 (1) Tests of leaders.** Leaders or downspouts and branches within a building may be tested by water or air in accordance with subsections 14.8 (1) or 14.8 (2).

#### 14.13 (135) Certificate of Approval

**14.13 (1) Records required.** Upon satisfac-

tory completion and final tests of the plumbing system, the administrative authority shall keep a permanent record thereof and shall issue a written approval upon request.

#### 14.14 (135) Defective Plumbing

**14.14 (1) Correction required.** Wherever there is reason to believe that the plumbing system of any building has become defective, it shall be subjected to test or inspection, and any defects found shall be corrected as required in writing by the administrative authority.

All installed plumbing systems and fixtures attached thereto found defective or in an insanitary condition, shall be repaired, renovated, replaced, or removed within ten days upon written notice from the proper administrative authority. When defective plumbing is found to be dangerous to the health of the occupants of a building or to the patrons of a food establishment, the proper administrative authority shall notify the health officer having jurisdiction, and said health officer shall take immediate steps to protect the health of such occupants or patrons. In the event the proper administrative authority is of the opinion the defect found endangers the public water supply, the defects shall be immediately corrected or the plumbing system disconnected from the public water supply.

The effective date of the foregoing revision shall be March 1, 1956.

[Filed December 28, 1955; Amendments filed March 18, 1964, effective January 1, 1964]

#### RULES AND REGULATIONS RELATING TO SANITATION

##### Authority

Under section 2191 (1), Code of Iowa 1939 [§135.11, C. '50], the state department of health among other things is charged with the duty to "exercise general supervision over the public health, promote public hygiene and sanitation, and, unless otherwise provided, enforce the laws relating to the same," and under subsection 7, to "make inspections of the public water supplies, sewer systems, sewage treatment plants, and garbage and refuse disposal plants throughout the state, and direct the method of installation and operation of the same."

Under subsection 17, section 2191 [§135.11, C. '50], the department shall "establish, publish, and enforce rules not inconsistent with law for the enforcement of the provisions of this title and for the enforcement of the various laws, the administration and supervision of which are imposed upon the department."

Under the above authority, the following code of rules and regulations covering water supply, sewerage, garbage and refuse disposal, housing, plumbing, trailer camps, and general sanitation has been promulgated.

Under section 2234, Code of Iowa, 1939 [§137.7, C. '50], the local board of health has among other things the duty to "(1) Obey and enforce the rules and lawful orders of the state department," and "(4) Make such rules, not inconsistent with the law or the rules of

the state department, as may be necessary for the enforcement of the various laws, the administration of which is imposed upon the local board."

In the event the local board of health fails to enforce such rules or lawful directions, the state department of health may exercise all powers of any local board of health within its territorial jurisdiction (section 2212, Code of Iowa, 1939 [§135.33, C. '50]).

#### Definitions

*Department.* Department as hereinafter used shall refer to the state department of health.

*Local Board.* Local board shall refer to a local board of health in cities and towns, and in townships, as defined in section 2228, Code of Iowa, 1939 [§137.1, C. '50].

*Health Officer.* Health officer shall mean the health officer of a local board of health as defined in section 2231, Code of Iowa, 1939 [§137.4, C. '50].

*Public Water Supply.* Public water supply shall mean any water supply serving a municipality or water district, either publicly or privately owned.

*Quasi-Public Water Supplies.* Quasi-public water supplies shall include all water supplies not coming under the definition of public water supplies which are used for drinking, culinary, and ablutionary purposes by persons other than the owner or lessee of property upon which such water supply is located.

*Public Swimming Pool.* Public swimming pool shall mean any swimming pool open to the public either publicly or privately owned.

*Dwelling.* A dwelling is any house or building or portion thereof which is occupied in whole or in part as the home or residence of one or more human beings, either permanently or transiently.

### PART I WATER SUPPLIES

**Section 1. General.** Every public or quasi-public water supply used for drinking, culinary, or ablutionary purposes which is hereafter constructed or extensively reconstructed, or existing and in the opinion of the state or local health officer is unsafe, shall comply with the requirements of these rules and regulations.

**Sec. 2. Public Water Supplies.** All public water supplies shall comply with the requirements for approval by the department.

Item 1. Plans and specifications for any new construction or for reconstruction or improvement of any existing supply shall be submitted to the department before construction begins. This includes main extensions.

Item 2. The water shall not contain an excessive amount of soluble mineral substance, nor excessive amounts of any chemicals employed in treatment. It should be clear, colorless, odorless and pleasant to the taste. It shall be equal in bacteriological quality to the U. S. Public Health Service Drinking Water Standards 1946, as published in Reprint 2697

from the public health reports on file in the office of the department.

**Sec. 3. Quasi-Public Surface Water Supplies.** All quasi-public surface water supplies shall comply with the requirements for approval by the department.

Item 1. Plans and specifications for any new construction or for reconstruction or improvement of any existing supply shall be submitted to the department before construction begins.

Item 2. The water shall not contain an excessive amount of soluble mineral substance, nor excessive amounts of any chemicals employed in treatment. It should be clear, colorless, odorless and pleasant to the taste. It shall be equal in bacteriological quality to the U. S. Public Health Service Drinking Water Standards 1946, as published in Reprint 2697 from the public health reports on file in the office of the department.

**Sec. 4. Quasi-Public Ground Water Supplies.** All quasi-public ground water supplies shall comply with the following requirements:

Item 1. *Cisterns.* Cistern supplies consisting of roof or other surface run-off water shall not be used for drinking or culinary purposes.

Item 2. *Wells and Springs.*

(a.) *Location.*

Wells must be located on ground at least one foot higher than the ground surrounding within a fifteen-foot radius.

On grounds subject to surface flood water, ground must be filled within a twenty-five-foot radius of the well to an elevation at least two feet higher than the highest known flood level. No sewers or drains of any kind (except the pump pit drain) shall be permitted within a ten-foot radius of the well or spring. This also applies to basement floor drains. Sewers and drains farther than ten feet, but within fifty feet of the well or spring shall be extra heavy cast iron pipe with calked lead joints.

No septic tanks shall be permitted within fifty feet of the well or spring.

Sewers and drains farther than fifty feet but within seventy-five feet of the well or spring shall be cast iron with lead joints or vitrified clay pipe with joints of calked hemp and cement or other approved jointing material.

No open jointed sewers, drains, disposal field, cesspools, privies, leaching pits, barn yards, pig pens, or other such sources of pollution shall be permitted within seventy-five feet of the well or spring except by special permission from the department.

(b.) *Construction.*

The well or spring shall be constructed in accordance with the recommendations outlined in Iowa Public Health Bulletin No. 40-1, "Sanitary Standards for Hand Pumped Wells," or equal as approved by the department.

(c.) *Pump Setting.*

(1) *Mechanically Driven Pumps.* Pumps shall be set in compliance with the details of construction shown by the sketches avail-

able from the department, or equal details as approved by the department.

Pumps set above the ground with underground discharge shall be installed wherever feasible.

A watertight seal shall be provided at the top of the well between the casing and drop pipe and between the concrete pedestal and pump base. Nonhardening asphalt, lead, or cement grout may be used as the sealing material. Certain patented seals may also be used provided they are approved by the department.

Vents shall terminate in a down-turned ell with lower end not less than twenty-four inches above the floor of pump pit or basement nor less than six inches above the pump house floor when the well terminates above the ground, and provided with a twenty-mesh copper screen.

(2) Hand Pumps. Hand pumps shall be set as described in Iowa Public Health Bulletin No. 40-1, "Sanitary Standards for Hand Pumped Wells," or equal setting as approved by the department.

(d.) *Air-life Systems.* The air intake for any air-lift system or mechanical aerating apparatus shall be at least six feet above the floor surface if indoors, and ten feet above the ground if out of doors. The air intake shall be so constructed as to prevent the entrance of birds, insects, dust, rain, snow, or other contaminating material. Every air-lift system shall be equipped with effective oil traps, tanks, or filters to prevent oil from entering the water.

(e.) *Water Lubrication of Pump Bearings.* Water lubricated pump bearings situated in any well below the pump-room floor shall be lubricated with water taken from within the well, or from the reservoir or distribution system supplied with water from the original source of the water supply, or in such other manner as may be approved by the department.

(f.) *Priming of Power Pumps.* Water for priming pumps on any water system shall be taken directly from the reservoir or distribution system which is supplied with water from the original source of the water supply or from another supply approved by the department. Priming devices shall be so constructed as not to expose the water to dust, drippings, or other sources of contamination.

(g.) *Priming of Hand Pumps; Buckets.* No hand-operated type of pump or cylinder which requires priming shall be used. No pail and rope, bailer, or chain-bucket systems shall be used.

(h.) *Treatment.* Ground water supplies which do not comply with the bacteriological requirements of the U. S. public health service Drinking Water Standards 1946 shall be treated by methods approved by the department or, if it is impossible by any method of treatment to secure compliance with said requirements, said well shall be abandoned, sterilized and sealed by filling with puddled

clay or other impervious material up to the ground surface.

(i.) *Disinfection and Sampling of New or Accidentally Contaminated Water Supplies.* New water supplies and water supplies which may have become contaminated accidentally or otherwise shall be thoroughly disinfected before being placed in use. Disinfection shall consist of first thoroughly flushing the pump and piping then adding a sufficient amount of chlorine to maintain a residual of at least twenty-five parts per million in the chlorinated water in contact with the well, reservoir, pump, and piping for a period of not less than twenty-four hours. The chlorinated water may then be pumped to waste. After all traces of free chlorine have disappeared from the water, a sample shall be examined bacterially at a laboratory approved by the department, and no water shall be used from such supply for drinking or culinary purposes until a satisfactory analysis is obtained or unless the water is treated in such manner as to make it bacterially satisfactory.

(j.) *Connection With Unsafe Water Sources Forbidden.* There shall be no cross-connection between any drinking, culinary, or ablutionary water supply and any other water supply which does not comply with these requirements.

(k.) *Outlets From Unsafe Water Supplies Required To Be Sealed or Labeled.* All outlets from water sources accessible to the public which do not comply with these requirements shall be sealed, locked, or, at the discretion of the health officer, be provided with a permanent and easily readable tag or label reading "Unsafe Water. Do Not Drink." Removal of said label or tag except by permission of the health officer shall be deemed a violation of these rules and regulations.

(1) *Common Drinking Cups.* The use of common drinking cups is prohibited.

## PART II

### SEWAGE, INDUSTRIAL WASTES, AND EXCRETA DISPOSAL

**Section 1. General.** Wherever a sanitary sewer is available all sewage or industrial wastes shall be discharged into such sewer.

**Sec. 2. Requirements When Discharged Into Surface Waters.** All sewage and industrial wastes which are discharged into any surface water shall be treated in such a manner as will conform with the requirements of the department.

Item 1. Plans and specifications for any new construction or for reconstruction or improvement of any existing sewerage system or treatment plant shall be submitted to the department before construction begins. This also applies to sewer extensions.

**Sec. 3. Requirements When Used For Irrigating Purposes.** All sewage or sewage plant effluents used for irrigating purposes shall be treated in such manner as will conform with the requirements of the department. No sewage or sewage effluents shall be used for ir-



rigating purposes without a written permit from the said department.

**Sec. 4. Requirements When Discharged Into the Soil.** No excreta or sewage shall be discharged into the soil except in compliance with the following requirements:

*A. Requirements for Water Carriage Systems.*

Item 1. *Influent Sewers. (a) Type.* Influent sewers used to conduct sewage from a building to a private sewage treatment plant shall be constructed of cast iron, vitrified clay, or concrete sewer pipe with calked lead, bitumen, cement or other approved joints, provided that all portions of such sewer lying within fifty feet of any well or other source of drinking water shall be cast iron pipe with calked lead joints.

*(b) Size.* Such influent sewers shall be not less than 4 inches in diameter. *(c) Grade.* Such influent sewers shall be laid to a minimum grade of twelve inches per one hundred feet. *(d) Manholes.* A manhole shall be provided at each change in direction or grade.

Item 2. *Grease Interceptors.* Grease interceptors of a type approved by the department shall be installed between the building and treatment plant for all except single residence installation. In case of restaurants, or other establishments which discharge large quantities of grease, the grease interceptor shall be located as close as practicable to the point at which the grease enters the influent sewer.

Item 3. *Septic Tanks.* All septic tanks shall discharge into a subsurface tile system or other type of filter except where written permission is obtained from the department to discharge into a stream or leaching pit. Septic tanks shall comply with the following requirements:

*(a.) Location.* Septic tanks shall be located at least fifty feet, or such greater distance as may be specified by the department, from any well, spring, or other water supply structure, and, if possible, upon ground sloping downward therefrom.

*(b.) Capacity.* Every compartment shall have a minimum effective (liquid) capacity of one hundred twenty-five gallons, but in no case shall the total capacity of the unit below the water line be less than five hundred gallons.

*(c.) Construction Details.* Septic tanks shall conform in detail with the recommendations stated in the department publication "Residential Sewage Treatment Plants" or equal as approved by the department.

*(d.) Construction Material.* Septic tanks shall be constructed of concrete, corrosion resisting metal or other impervious material providing that metal tanks shall have a minimum wall thickness of fourteen gauge.

*(e.) Manholes.* All septic tanks with solid concrete covers shall be provided with at least one manhole at least twenty-two inches in diameter, and said manhole shall extend to the surface of the ground if the earth fill above

the septic tank is more than twelve inches deep.

Item 4. *Dosing Tanks and Automatic Siphons.* All proposed installations of septic tanks of one thousand gallons or more shall be provided with a dosing tank and automatic siphon or siphons of a type approved by the department unless otherwise specifically approved by the department. The department may require dosing tanks and automatic siphons with septic tanks of smaller capacity.

Item 5. *Subsurface Tile Systems.* Subsurface tile systems shall comply with the following requirements:

*(a.) Location.* Subsurface tile systems used for disposal of settled sewage of wastes shall be located at least seventy-five feet from any well or other source of drinking water supply, except in creviced limestone or other porous formations the minimum distance shall be specified by the department. Such tile systems shall not be located within twenty-five feet of any stream or open ditch except when a collector tile is installed below the distributor tile and the intervening space is filled with at least twelve inches of coarse sand or other approved filtering material.

*(b.) Construction.* Subsurface tile systems shall conform to the construction details shown in the department publication, "Residential Sewage Treatment Plants" or equal as approved by the department, except that shorter total lengths of tile lines may be permitted for systems serving public and quasi-public establishments if written approval is obtained from the department.

Item 6. Other types of sewage or industrial waste treatment, where permitted or required, shall be installed only after plans and specifications for each project have been approved by the department.

*B. Requirements for Earth Pit Toilets.* All earth pit toilets hereafter constructed or required by the health officer to be reconstructed shall comply with the following requirements:

Item 1. *Location.* Earth pit toilets shall not be installed in cavernous or loosely stratified formations, and shall be located at least seventy-five feet, or other distances specified by the department, from any well or other source of drinking water, and if possible upon ground sloping downward therefrom.

Item 2. *Construction.* The details of construction shall comply with the plans and specifications shown in the department publication, "The Sanitary Privy," or equal as approved by the department.

*C. Requirements for Impervious Vault Toilets.* All impervious vault or pit toilets hereafter constructed or required by the health officer to be reconstructed shall comply with the following requirements:

Item 1. *Location.* Impervious vault toilets shall not be located within fifty feet of any well or other source of drinking water.

Item 2. *Construction Material.* The vault or pit shall be constructed of impervious concrete at least six inches thick. The superstructure, including floor slab, seat riser, seat cover, and building shall comply with the plans and specifications for earth pit privies as shown in the department publication "The Sanitary Privy," or equal as approved by the department. The vault or pit shall be provided with a cleanout opening fitted with a fly-tight cover.

Sec. 5. *Maintenance.* The following shall be considered defects in pit toilet installations (and sufficient cause for requiring their improvement):

Item 1. Evidence of caving around the edges of the pit.

Item 2. Signs of overflow or other evidence that the pit is full.

Item 3. Seat covers open.

Item 4. Broken, perforated, or unscreened vent pipe.

Item 5. Insanitary toilet building.

Item 6. Evidence of light entering pit except through seat when seat cover is raised or except through cleanout opening when lid is raised.

Sec. 6. *Requirements for Leaching Pits (Dry Wells or Cesspools).* Leaching pits shall not be used for receiving sanitary sewage or industrial wastes but may be used for kitchen wastes, household laundry wastes, cellar or basement drainage and other similar waste water only when complying with the following requirements:

Item 1. *Location.* Leaching pits shall not be located within seventy-five feet of any well or other source of drinking water or within twenty-five feet of any stream or open ditch.

Item 2. *Construction.* Leaching pits when used for disposal of kitchen wastes shall contain at least one and one-half cubic yards of crushed rock or gravel below the inlet and when used for laundry wastes or basement drainage shall contain at least three cubic yards of crushed rock or gravel below the inlet.

Leaching pits shall be covered with not less than twelve inches and not more than twenty-four inches of loose filled earth.

Leaching pits shall not penetrate the soil to a depth within three feet above the ground water stratum nor shall the total depth exceed twelve feet.

Sec. 7. *Requirements for Chemical Toilets.* All chemical toilets hereafter constructed or hereafter required to be reconstructed shall comply with the following requirements:

Item 1. *Tank.* Chemical toilets shall have a receiving tank of impervious material with an opening easily accessible for cleaning. Metal tanks shall have a minimum wall thickness of fourteen gauge.

Item 2. *Toilet Bowl.* The toilet bowl shall be constructed of impervious and not readily corrodible material and shall be elevated above the receiving tank sufficiently to avoid splashing the user.

Item 3. *Vent.* The tank and bowl shall be vented with screened pipe at least three inches in diameter, preferably constructed of cast iron, extending on an angle not less than thirty degrees with the horizontal or vertically to a point at least two feet above the roof.

Item 4. *Mixing and Chemical Charge.* The tank shall be equipped with a mixing device and shall be charged with a chemical or chemicals of bactericidal nature and concentration. Chemical recharges shall be added and mixed with the contents frequently to maintain a bactericidal strength and to prevent disagreeable odors.

Item 5. *Toilet Rooms.* Chemical toilets shall be located in toilet rooms which are well lighted and ventilated and kept clean. Tank clean-outs shall not be placed in basements.

Item 6. *Final Disposal of Tank Contents.* The tank contents shall be disposed of by burning, burial, or by discharge into a leaching pit located and constructed in accordance with these rules and regulations.

Sec. 8. *Requirements for Comfort Stations and Toilet Rooms.* All comfort stations and toilet rooms located in public or quasi-public establishments or on grounds adjacent thereto for the use of the general public or for the patrons of such establishments, shall comply with the following requirements:

Item 1. *Plumbing.* All plumbing work and fixtures hereinafter installed shall comply with the local plumbing ordinance or with the state plumbing code where no local plumbing ordinance is in effect. (Note: sec. 5775, Code of Iowa, 1939 [§368.44, C. '50], requires that local plumbing ordinances shall conform to the state plumbing code).

Item 2. *Water Pressure.* The water pressure shall be sufficient for effective flushing of toilets, urinals, and other fixtures equipped with flushing devices.

Item 3. *Toilet Rooms.* All toilets and urinals shall be located in rooms provided with natural or artificial illumination of three foot-candles intensity on the floor surface and with natural or artificial ventilation affording at least one air change every seven minutes. All toilet rooms shall be maintained in good repair and in a clean and sanitary condition, and shall be accessible to approved handwashing facilities.

Item 4. *Approved Handwashing Facilities.* Approved handwashing facilities shall consist of a lavatory complying with the requirements of Item 3, soap in a suitable dispensing container and single service paper or cloth towels. Cloth towels shall be thoroughly laundered and sterilized before making available for reuse. Roller cloth towels shall be prohibited.

Item 5. *Common Drinking Cups.* Common drinking cups shall be prohibited.

#### PART III

#### MILK AND MILK PRODUCTS

The production, processing and distribution of milk and milk products are by law under

the jurisdiction of the state department of agriculture.

Cities and towns also are granted by sec. 5747, Code of Iowa, 1939 [54GA, ch 151, §20], the power to adopt ordinances pertaining to milk sanitation. It is therefore suggested that cities and towns regulate production, transportation, processing, handling, sampling, examination, grading, labeling, regrading and sale of milk and milk products, the inspection of dairy herds, dairies and milk plants, the issuing and revocation of permits to milk producers and distributors, the placarding of restaurants and other establishments serving milk or milk products in accordance with the terms of the unabridged form of the 1939 edition of the Milk Ordinance and Code recommended by the United States public health service, a copy of which is on file with the department or which may be procured from the United States public health service or the Superintendent of Documents, Washington, D. C.

#### PART IV

##### EATING AND DRINKING ESTABLISHMENTS

Hotels, restaurants and food establishments are regulated under chapter 133, Code of Iowa, 1939 [ch. 170, C. '50], the administration of which comes under the state department of agriculture.

Cities and towns also have the power under sec. 5743, Code of Iowa, 1939 [§368.6, C. '50], to regulate hotels, restaurants and eating houses. It is suggested that cities and towns under this authority regulate sanitation pertaining to the inspection, grading, regrading, and placarding of eating and drinking establishments, the issuing and revocation of permits for the operation of such establishments, the sale of adulterated, misbranded, or unwholesome food and drink, and the enforcement of this code shall be regulated in accordance with the terms of the unabridged form of the 1940 edition of the Ordinance Regulating Eating and Drinking Establishments recommended by the U. S. public health service, a copy of which is on file with the department, or which may be procured from the U. S. public health service or the Superintendent of Documents, Washington, D. C.

#### PART V

##### SWIMMING POOLS AND BATHING PLACES

**Section 1. General.** All public swimming pools, wading pools, and bathhouses installed in connection with swimming and/or wading pools, which are hereafter constructed or extensively reconstructed, or improved shall comply with the following requirements:

Item 1. *Plans and Specifications.* Plans and specifications for new construction, reconstruction, or improvements shall be submitted to the department for approval before construction begins.

Item 2. *Design and Construction.* Approval by the department shall be based on the published "Policies of the state department of

health Governing the Design and Construction of Swimming Pools."

**Sec. 2. Operation and Maintenance.** All swimming pools, wading pools and bathhouses installed in connection with swimming pools and/or wading pools shall be operated and maintained in compliance with the published "Policies of the state department of health Governing the Operation and Maintenance of Swimming Pools."

#### PART VI

##### GARBAGE AND REFUSE

###### Section 1. Definitions.

Item 1. *Garbage.* The term "garbage" shall be interpreted to mean all putrescible waste, except sewage and body wastes, including vegetable and animal offal and carcasses of dead animals, but excluding recognized industrial by-products, and shall include all such substances from all public and private establishments and from all residences.

Item 2. *Refuse.* The term "refuse" shall include all nonputrescible wastes.

**Sec. 2. Accumulation of Garbage and Refuse.** No owner or lessee of any public or private premises shall permit to accumulate upon his premises any garbage or refuse except in covered containers approved by the health officer. Such containers shall be constructed in such manner as to be strong, not easily corrodible, rodent proof, insect proof, and shall be kept covered at all times except when garbage and refuse is being deposited therein or removed therefrom. In case garbage and one or more types of refuse are disposed of separately, separate containers may be required by the health officer.

###### Sec. 3. Collection of Garbage and Refuse.

Item 1. *Collection Interval.* All garbage and refuse shall be collected sufficiently frequent to prevent nuisance.

Item 2. *Permits.* No person, firm, or corporation shall collect garbage or refuse who does not possess a permit from the health officer.

Item 3. *Type of Collection Vehicles.* The collection of garbage and refuse shall be by means of covered vehicles approved by the health officer.

**Sec. 4. Disposal of Garbage and Refuse.** All disposal of garbage and refuse shall be by a method or methods specifically approved by the department, provided that said method or methods shall include the maximum practicable rodent, insect, and nuisance control at the place or places of disposal.

**Sec. 5. Dead Animals.** Disposal of dead animals comes under the jurisdiction of the state department of agriculture as specified in chapter 131, Code of Iowa, 1939 [ch. 167, C. '50].

#### PART VII

##### SANITATION OF HABITABLE BUILDINGS

**Section 1. General.** Every dwelling which is in whole or in part leased by the owner or his agent, except hotels and other establish-

ments which are licensed by the department of agriculture shall comply with the following requirements, and in addition all dwellings shall conform to the requirements of the state housing law in all cities where applicable. The owner or lessor shall be deemed responsible for compliance with said requirements.

Item 1. *Room Size.* No habitable room in such a dwelling hereinafter constructed shall have a floor area of less than eighty sq. ft. nor shall the ceiling height be less than seven and one-half feet.

Item 2. *Heating.* Every such building shall be equipped with heating equipment capable of maintaining every habitable room thereof at a temperature of at least seventy degrees F. whenever occupied.

Item 3. *Lighting.* Every such building shall be so equipped as to provide every habitable room thereof with artificial lighting equipment reasonably uniformly distributed and of sufficient intensity to produce illumination of six foot-candles on the floor area, and at least ten foot-candles at certain points for reading, study, sewing, and similar tasks. Hallways, stairways, and similar passageways shall be provided with one or more foot-candles illumination.

Every habitable room located in any such building shall be provided with one or more windows opening to the outside air and equivalent in glass area to at least eight percent of the floor area of such room in the case of existing buildings, and to at least one-eighth of the floor area of said room in the case of buildings or additions hereafter constructed.

Item 4. *Ventilation.* Every habitable room located in any such building shall be provided with an aggregate openable window area of at least four percent of the floor area for existing buildings and of at least six percent for buildings and additions hereafter constructed. The requirements of this item shall not apply to buildings having adequate provisions for artificial ventilation.

Item 5. *Plumbing and Excreta Disposal.* All plumbing in such buildings shall comply with the requirements of the local plumbing ordinance. Where no local ordinance is in effect, the plumbing shall comply with the state plumbing code.

Every such building to which running water and sewage disposal are available shall be provided with at least one lavatory, one water closet, one bathtub or shower, and one kitchen sink.

Every such building to which running water and sewage disposal are not available shall be provided with at least one pit toilet or chemical toilet seat for every fifteen occupants.

Item 6. *Screening.* Every such building which is located in an area in which flies and mosquitoes have not otherwise been effectively controlled shall have all windows and doors to the outside equipped with screens of not less than sixteen meshes to the inch, which are so maintained as to effectively prevent the entrance into the building of flies and

mosquitoes, provided that all outside screen doors shall open outward and be self-closing and provided that effective means other than screens may be substituted therefor when specifically approved by the health officer.

Item 7. *Overcrowding.* If any room in such dwelling is overcrowded the health officer may order the number of persons sleeping or living in said room to be so reduced that there shall not be less than four hundred cubic feet of air to each adult and two hundred cubic feet of air to each child under twelve years of age occupying such room.

#### PART VIII

#### TOURIST CAMPS, TRAILER CAMPS, CABIN CAMPS, CONSTRUCTION CAMPS, AND SIMILAR ESTABLISHMENTS AND AREAS

**Section 1. General.** All tourists camps, trailer camps, cabin camps, construction camps, and similar establishments and areas available for residence, camp, or picnic use which are maintained, operated, or leased, free of charge or upon payment of fees, by any municipality, community, institution, corporation, association, firm, or person, except hotels and other establishments which are licensed by the state department of agriculture shall comply with the following requirements:

Trailers may be occupied as temporary residence (except as prohibited by the housing law and local ordinances) only when parked in a trailer camp or other area with facilities complying with the provision of this code.

##### Item 1. *Supervision.*

(a.) The owner or authorized agent shall maintain in good repair and appearance all sanitary facilities and appliances on the premises, and shall be personally liable and responsible for the same. It shall be the duty of the management to bring prompt action as may be necessary to enforce these regulations or, if necessary, to eject from the premises any persons who willfully or maliciously damage the sanitary facilities and appliances provided or do not strictly adhere to these or other camp regulations.

(b.) At least one competent caretaker shall be responsible for the supervision of the premises and shall make necessary routine inspections and exercise all duties necessary in the maintenance of the premises in a strictly sanitary manner.

(c.) Adequate equipment for maintaining the premises in a strictly sanitary manner at all times shall be provided and maintained by the owner or management.

Item 2. *Space.* In existing mobile home parks each mobile home space shall be at least eight feet wider than the mobile home. In mobile home parks hereafter constructed, changed or added to, each mobile home space shall be clearly marked, contain not less than one thousand square feet, be at least twenty-five feet wide and abut a driveway or have clear, unobstructed access to a public highway or alley. In new parks the mobile home shall be parked at least five feet from the boundaries of the

park and ten feet from a public street or alley, and ten feet from any building, except for the building housing individual sanitary facilities for each mobile home space. In new parks there shall be a space of at least fifteen feet between the sides of every mobile home and at least ten feet between the ends of every mobile home. Mobile home parks, hereafter constructed, shall be well drained and located in areas free from flooding, marshes, swamps, or other potential breeding places for insects or rodents.

Item 3. *Fires*. All fires shall be made in stoves or other equipment provided for that purpose. Open unattended fires shall not be permitted.

Item 4. *Water Supply*. There shall be provided within two hundred feet of any trailer space or cabin, accessible at all times, a water supply which complies with the requirements of Part I of these rules and regulations entitled "Water Supplies."

Item 5. *Excreta and Sewage*. There shall be provided at each such camp, establishment or area, accessible at all times, a method of excreta disposal which complies with the requirements of Part II of this code entitled "Sewage, Industrial Wastes and Excreta Disposal."

Item 6. *Garbage and Refuse*. Every such camp, establishment, or area shall comply with the requirements of Part VII entitled "Garbage and Refuse."

Item 7. *Room Size, Heating, Lighting, Ventilation, Plumbing, Screening, and Overcrowding*. All cabins and other habitable buildings shall comply with the requirements of Part VII of these rules and regulations. A group of tourist camp buildings under the same ownership may connect to a common house sewer.

Trailers shall comply with the minimum floor area for habitable rooms. However, the ceiling height may be reduced to six and one-half feet provided adequate cross-ventilation is provided by windows on both sides of the trailer.

Item 8. *Toilets and Washing Facilities*. Separate toilets shall be provided for males and females, one for each twenty-five males and one for each twenty-five females. Where water is available under pressure, separate hand-washing facilities which comply with the requirements of Part II of these rules and regulations shall be provided for males and for females or in each cabin or habitable building. Where water under pressure is not available, a wash basin, soap, and one towel for each person shall be provided at each cabin or other permanent habitable building. All lavatories, bathtubs, and shower baths shall be maintained in a strictly sanitary condition. Toilets and toilet rooms shall comply with the requirements of Part II of these rules and regulations except that no sewage disposal facilities shall be located within fifty feet of any cabin or trailer. Where fly-tight, sanitary privies are provided for trailer camps, they shall be constructed with the seat hinged to permit dump-

ing soil can or chemical toilet contents into the pit. The location of all toilets or privies shall be plainly indicated by appropriate signs.

All trailers with built-in toilets shall be provided with fly-tight, leak-proof metal receptacles for containing human excrement and said receptacle shall contain sufficient chemicals to render the contents free from creating a fly or odor nuisance.

The owner or management of all camp sites shall provide a satisfactory depository for the contents of trailer house chemical toilets, and also shall provide washing facilities for the chemical toilets in a sanitary manner.

Item 9. *Communicable Disease*. It shall be the duty of all camp owners or managers, or other persons knowing or suspecting the presence of persons in the camp inflicted with any communicable disease, to report the said condition immediately to the local health officer.

Item 10. *Permanent Register*. A permanent register of all guests and/or patrons of the premises shall be maintained and open to the inspection of the health officer or representative of the department at all times.

## MOBILE HOME PARKS

[Filed May 11, 1956]

[Effective September 1, 1956]

### 1.0 Authority

1.1 Under the provisions of section 135D.16, Code of Iowa, 1954, the following rules and regulations governing the licensing and regulation of mobile home parks have been promulgated.

### 2.0 Definitions

2.1 "Department" is the state department of health which is the legally designated authority providing for licensing, inspection, and regulation of mobile homes and mobile home parks.

2.2 "Independent Mobile Home" is a mobile home which has a water closet and a bathtub or shower.

2.3 "Dependent Mobile Home" is a mobile home which does not have a water closet, nor a bathtub or shower.

2.4 "Mobile Home Space" is a plot of ground within a mobile home park designated for the accommodation of one mobile home.

2.5 "Independent Mobile Home Space" is a mobile home space which has individual water and sewer connections available.

2.6 "Dependent Mobile Home Space" is a mobile home space which does not have individual water and sewer connections available.

2.7 "Community Building" is a building housing toilet and bathing facilities for men and women and a slop-water sink.

2.8 "Existing Installations" are those installations which were constructed before January 1, 1954.

2.9 "New Installations" are those which are proposed for construction after the effective date of these rules and regulations.

### 3.0 License

3.1 The application for the first annual license required for each park established within the state shall be made, in triplicate, on the form "Application for a License to Operate a Mobile Home Park". The application for a license form, with the appropriate annual license fee, shall be submitted to the department.

There also shall be included, with each application for the first annual license submitted, an application for a permit to construct a mobile home park and plans and specifications for the proposed park, as specified in section 4.0.

3.2 The application for the annual license required for each subsequent year of operation shall be made, in triplicate, on the form "Application for Renewal of License to Operate a Mobile Home Park". The application forms, with the appropriate annual license fee, shall be submitted to the department.

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

3.3 Each application for a license, or application for renewal of license, relating to a mobile home park located within a municipality shall contain a certification of the local board of health (mayor, council, and health physician) that the park complies with municipal ordinances, codes, and other local regulatory measures, applicable thereto and not in conflict with the statute and these rules and regulations, before being submitted to the department.

### 4.0 Permit

4.1 The application for the permit required before constructing, reconstructing, or making alterations to the sanitary facilities in a park shall be made, in triplicate, to the department on the form "Application for a Permit to Construct, Reconstruct, or Remodel a Mobile Home Park." Plans and specifications for proposed new construction of, or alterations on, the water supply system, sewerage system, community building facilities, refuse disposal, and lighting in the park are required, and shall be attached to the application for a permit.

Plans and specifications relating to constructing, reconstructing, or making alterations to the sanitary facilities in all parks where a private water supply or a private sewage disposal system is used, or proposed for use, shall be prepared by an engineer registered under Iowa statute. This requirement may be waived for small parks at the discretion of the department.

If changes are proposed in the plans and specifications after a permit has been issued, a supplemental permit shall be obtained.

4.2 Each application for a permit relating to a park located within a municipality shall contain a certification of the local board of health (mayor, council, and health physician) that the construction, reconstruction, or alterations are in compliance with existing municipal ordinances, codes, or other local regulatory measures, applicable thereto and not in conflict with the statute and these rules and regulations, before being submitted to the Department.

### 5.0 Park Site

5.1 Each park shall be adequately lighted at night, particularly all walkways between the mobile homes and any community building or privies provided, with not less than twenty-five watt bulbs located at one hundred-foot-intervals or equivalent lighting.

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

5.3 Plans and specifications for the construction, reconstruction, or remodeling of swimming pools, wading pools, or bathhouses used in connection with such pools shall be submitted to the department as specified in section 4.0. The design, construction, operation, and maintenance of such facilities shall be based on the published "Policies Governing Design, Construction, Maintenance, and Operation of Swimming Pools" issued by the department.

### 6.0 Toilet and Washing Facilities

6.1 All plumbing fixtures and systems hereafter installed shall conform to local ordinances, or the State Plumbing Code when no local ordinance is in effect, and to these rules and regulations.

TABLE 1  
*water closet, urinal, lavatory, and bathing fixture  
 requirement schedules for community buildings*

NUMBER OF DEPENDENT MOBILE HOMES	MEN			WOMEN		
	WATER CLOSET	LAVA- TORY	BATHTUB OR SHOWER	WATER CLOSET	LAVA- TORY	BATHTUB OR SHOWER
1-10.....	1	1	1	1	1	1
11-20.....	2	2	1	2	2	1
21-30.....	3	3	2	3	3	2
31-40.....	4	4	2	4	4	2
41-50.....	5	5	3	5	5	3
51-60.....	6	6	3	6	6	3
61-70.....	7	7	4	7	7	4
71-80.....	8	8	4	8	8	4
81-90.....	9	9	5	9	9	5
91-100.....	10	10	5	10	10	5
101-110.....	11	11	6	11	11	6
111-120.....	12	12	6	12	12	6
121-130.....	13	13	7	13	13	7
131-140.....	14	14	7	14	14	7
141-150.....	15	15	8	15	15	8

When sanitary privies are furnished for use they shall be provided on the basis of one privy for each sex for each 10 mobile homes.

Urinals may be substituted for not more than one-third of the water closet fixtures for men. Each 18 inches of horizontal length of trough urinal shall be accepted in lieu of a single or separate urinal, i.e., 18 inches equals one, 36 inches equals two, 54 inches equals three, and 72 inches equals four. Trough urinals are prohibited in new construction.

6.2 A community building or buildings containing toilet and washing facilities shall be provided in each mobile home park, except when such facilities are provided for each mobile home space, or when only independent mobile homes are accepted in the park and individual water and sewer connections are available at each space harboring an independent mobile home, or when sanitary privies and leaching pits are used for waste disposal.

6.3 Each community building shall be conveniently located, well constructed with washable interior walls, well lighted, have adequate ventilation, all openings to toilet rooms effectively screened, and floors of concrete or other impervious material.

A general illumination level of at least five-foot candles shall be maintained in each community building.

Each room housing toilet or laundry facilities shall be provided at least one window or a vent to the outside atmosphere. In new installations, window area at a ratio of ten percent of the floor area, with fifty percent of the total window area openable, or mechanical ventilation capable of making at least one air change every five minutes, shall be provided.

In new installations, all openings to community buildings shall be effectively screened. Solid doors opening outward and equipped with mechanical closing devices shall meet the requirements for screen doors.

A sanitary method of disposal of mop water shall be provided. In new installations, the floors shall be sloped to floor drains, and shall have concrete curbing or other impervious material extending at least six inches above the floor and forming a cove at the junction of the floor and side wall.

6.4 Where toilet and washing facilities are provided, each toilet room shall contain at least one water closet and one lavatory. Where separate facilities for males and females are provided, they shall be plainly marked by appropriate signs and shall be separated by a sound resistant wall if located in the same building. In new installations, separate water closet, lavatory, and bathing facilities shall be provided for males and females in accordance with Table 1.

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

In new installations, compartments shall be provided for bath and shower facilities. An individual dressing compartment not less than two and one-half by three feet in plan, so arranged to assure privacy, shall be provided in combination with and affixed to each shower compartment installed for women. The floor of such compartment shall be waterproof and elevated at least three inches above the floor of the shower stall, or a six-inch curbing provided, separating the shower and dressing compartments. Mats, grids, and walkways made of wood, cloth, or other absorbent materials shall not be furnished for use in bath sections of community buildings.

A sanitary method of disposal of slop shall be provided. Unless waived, in new installations a slop sink supplied with hot and cold running water shall be provided in each community building, and such sink shall not be located in the laundry room.

An adequate supply of hot and cold running water shall be available in community

buildings whenever needed by the occupants of the mobile home park.

In new installations, laundry facilities provided shall be separated by full partitions or walls from the toilet rooms.

6.5 When facilities are provided at each individual mobile home space, the building housing the facilities shall be located on the space served, be constructed in accordance with section 6.3, contain a water closet, lavatory, shower with floor drain or tub, and be provided with an adequate supply of hot and cold water.

6.6 The interior of each community or individual space building, including all fixtures and equipment therein, shall be maintained in good repair and in a sanitary condition at all times. All plumbing fixtures shall be cleaned, such that all dirt and other visible foreign matter are removed, at least once each day. All waste paper and similar material shall be placed in suitable containers, and shall not be allowed to accumulate on the floor. All floors shall be swept and scrubbed at intervals suffi-

cient to maintain a clean and sanitary condition. There shall be no evidence of insect or rodent harborages.

Such buildings shall have heating facilities capable of maintaining a temperature of at least 70° F. in cold weather. Gas-fired water or space heaters shall be vented to the outside.

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

7.0 Water Supply

7.1 An adequate supply of safe potable water shall be provided in each mobile home park. Where a public water supply is available, abutting the property, such water shall be used.

7.2 Every new well shall be located at the highest favorable point practicable on the premises, and as far removed from any possible sources of pollution as the layout of the premises and the surroundings permit. Minimum distances between new wells and sources of pollution shall be maintained as shown in Table 2.

TABLE 2  
*minimum distances between wells and sources of pollution*

SOURCE OF POLLUTION	Distance in Feet
Cesspool	100
Filter bed, soil absorption field seepage (leaching) pit, earth pit privy, or similar disposal unit	75
Sewer of tightly jointed tile or its equivalent, septic tank, sewer connected foundation drain, impervious concrete vault privy, or barnyard	50
Cast iron sewer with leaded or mechanical joints, independent clear water drain, or cistern	10
Cast iron sewer with leaded joints and encased in 6 inches of concrete	5
Pumphouse floor drain of cast iron pipe with leaded joints and draining to ground surface	2

Definitions:

Cesspool—used for disposal of raw sewage.  
Seepage (leaching) pit—used for disposal of settled sewage, filter overflow, kitchen laundry, or similar wastes. Notes: The same distances apply to the suction pipe of a well, unless surrounded by a protective casing.

7.3 The upper terminal of all wells shall be watertight. Well platforms shall be of watertight reinforced concrete of a minimum thickness of six inches or equivalent watertight construction, with all openings constructed with raised shoulders to exclude surface wash or other foreign material. Covers for such openings shall be of the overlapping type. The platform shall be sloped and satisfactory drainage to the ground surface provided. A watertight seal shall be provided for the annular space between the drop pipe and the casing.

7.4 In new installations, the upper surface of the well platform shall be at least six inches above the surrounding ground surface.

7.5 In new installations, the drop pipe opening through the well platform shall be formed, in drilled wells, by an extension of the well casing or, in bored or dug wells, by a length of iron pipe sleeve cast into the platform, of sufficient diameter to admit the pump cylinder. This casing extension or sleeve shall reach at least one inch above the platform, or higher if a flanged connection is used, for hand pumped wells; and at least six inches for

Existing wells will be considered as properly located when they meet the above minimum requirements with respect to sources of pollution. The above distances apply to clay and loam soils. Greater distances must be maintained in sand and gravel formations. For well deriving water from creviced limestone formations, see section 7.12.

power pump installations. Casings for power pump installations shall allow for a one inch extension into the pump base. Well pits are prohibited in new installations. In existing installations, well pits will be accepted providing they are supplied with a gravity drain or a sump pump.

In new installations where a pump unit is not located over a well and the connecting pipe is under suction, that piping shall be encased in a protective conduit and buried at least five feet unless protected against freezing. If a buried suction line is located within ten feet of a sewer, the sewer shall be constructed of cast iron pipe with leaded joints. If the suction line is below the sewer, there shall be no joint in the suction pipe within ten feet of the sewer. An exposed suction pipe as in a basement room, shall be at least eighteen inches above the floor.

7.6 The casing or curbing of all new wells shall be watertight to a depth of ten feet, and preferably twenty feet. New wells deriving water from aquifers below shattered limestone formations shall be constructed to ex-



clude shallower waters. For additional information on proper well construction, see other publications of the department.

**7.7** Storage reservoirs, hereafter installed, shall be located above ground-water level, and in such a location that surface and underground water flows away from the structure. All reservoirs shall be constructed of permanent, watertight material. Manhole covers shall be of the overlapping type. When the bottom of the reservoir is below the normal ground surface, the reservoir shall be located with respect to sources of contamination as specified for wells. Overflows and vents shall be turned downward and the opening covered with twenty-four mesh screen. Reservoir overflows and drains shall not be connected to a sanitary or storm sewer.

**7.8** In new installations, the water supply pipes shall be of brass, copper, lead, cast iron, open hearth iron, wrought iron, or steel as specified in the state plumbing code.

In new installations, the water supply lines shall be separated horizontally from sanitary sewers by at least ten feet of undisturbed or compacted earth, except as specified below. When separated as above, the sewer lines may be constructed of cast iron, vitrified clay, concrete, cement-asbestos, or bituminized fibre sewer pipe, with tight approved and tested joints. When water and sewer lines cross, the water line shall be at least twelve inches above the top of the sewer line throughout a distance of ten feet horizontally, and no joints shall be made in the water line within this distance of ten feet.

In new installations, water and sewer lines may be laid in the same trench providing the bottom of the water line is laid at all points at least twelve inches above the top of the sewer line at its highest point, the water line is laid on a solid shelf excavated at one side of the common trench or on a solidly tamped backfill, the joints in the water line are kept at a minimum, and the sewer is constructed of cast iron with leaded or mechanical joints and shown to be watertight by test. In cases where cast iron is not a suitable sewer material, vitrified clay or other durable and corrosion-resistant material may be used provided it is installed to remain watertight and root-proof. Where a water service stub and a sewer pipe stub of vitrified clay or concrete have heretofore been placed in the same trench from the mains to the curb or property line, a park sewer of the same material may be extended in the same trench with the water line.

In new installations, minimum pipe sizes for the park water mains shall be in accordance with Table 3.

In new installations, the minimum size water pipe from the park mains to each mobile home space shall be one-half inch, and the space water outlets shall be separated from the sewer outlets by not less than five feet. Each mobile home space water outlet shall terminate above ground, shall be encased with concrete at least six inches thick and two feet

TABLE 3  
size of water pipe

Pipe Size (inches)	Mobile Homes Served
1	2— 10
1¼	11— 20
1½	21— 35
2	36— 50
2½	51—100
3	101—150
4	151—300

deep unless otherwise protected, shall be provided with a control valve, shall be capped or otherwise protected when not in use, and shall be provided with a suitable flexible connection for attachment to the mobile home water line; and also shall be protected against freezing if the park is operated throughout the year. In new installations, control valves of the stop and waste type may be installed provided a horizontal separation of at least ten feet from any part of the sewer system is maintained, or if an approved system of watertight piping from the weep holes of the valves is installed to drain to a lower, protected level.

Sanitary precautions shall be taken in laying all water pipes. They shall be laid where they will not come in contact with sewage during the laying process.

In the design of the water distribution system, a sufficient number of fire hydrants or outlets shall be provided throughout the park at proper locations for fire protection.

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

**7.9** Drinking fountains, when provided, shall be of the guarded, inclined jet type conforming to standards specified in local ordinances or in the state plumbing code where not covered by local ordinance.

**7.10** Wells, storage reservoirs, and water lines when first installed, or when repaired in such a manner that contamination may gain entrance, shall be disinfected with chlorine. Following such disinfection, the water shall be sampled and a satisfactory bacteriological quality determined before the water is used for drinking or culinary purposes. Until water of such satisfactory bacteriological quality is assured, all water used for drinking and culinary purposes shall be boiled.

**7.11** The potable water supply derived from each private system shall be of satisfactory quality as determined by a sample collected at the time of the annual inspection.

**7.12** If a sample collected from a properly located (as determined from Table 2, section 7.2) well supply shows the water to be bacterially unsafe at the time when the sample was taken, the supply may be disinfected and an additional sample collected. If disinfection fails to eliminate the contamination, continu-

ous chlorination of the water supply shall be provided.

If samples collected from an existing well whose only known defect is improper location (as determined by Table 2, section 7.2) show a consistently satisfactory bacterial quality, as determined by at least three consecutive samples collected at monthly intervals, the supply may be approved with or without continuous chlorination provided. Nature and type of subsoil, actual distance from sources of pollution, and construction of the well will be given consideration in determining whether continuous chlorination of the supply will be necessary. If samples collected from an improperly located supply show the water to be bacterially unsafe, the system will not be approved for use unless continuous chlorination is provided. No permit will be issued for extension of an existing water supply to serve an addition to a park where the well is improperly located unless continuous chlorination is provided.

An existing well deriving water, or a new well planned to derive water, from a shallow creviced limestone formation will be approved only when properly located, the formation is overlain with soil or unconsolidated material to a depth of at least forty feet extending one-half mile from the well, and continuous chlorination is provided.

Only water with a nitrate nitrogen content of ten parts per million or less shall be furnished to infants. A water supply containing more than ten parts per million of nitrate nitrogen shall be placarded or posted stating the water shall not be used for infant feeding. The park operator shall notify all parents not to use the water for infant feeding.

**7.13** Chlorinating equipment shall be maintained properly, and operated such that a minimum combined chlorine residual of 0.2 parts per million shall be maintained in the distribution system at all times. Daily records shall be kept of the quantity of water used when known and of the amounts of chlorine used. These daily records shall be filed with the department at the end of each week.

**7.14** All abandoned wells shall be properly filled to prevent contamination of waterbearing formations and to eliminate accident hazards. In filling dug or bored wells, as much of the curbing as possible shall be removed.

## **8.0 Sewage Disposal**

**8.1** Disposal of sewage and other water carried wastes shall be into a municipal sewerage system when the sewer abuts the property or is otherwise available. In mobile home parks where such connections are not available, disposal shall be into a private system designed, constructed and operated in accordance with good sanitation practice to meet the requirements of the department. Plans and specifications for new construction shall be submitted as specified in section 4.0.

**8.2** The connection between the mobile

home drain and the park sewer shall be made with a leakproof connector of durable, corrosion-resistant rubber or metal; flexible for a length of at least twenty-four inches and preferably throughout its length; attached at the inlet and outlet end with a water and gas tight joint; and constructed to pull apart in an emergency without serious damage to the mobile home piping or the park sewer.

It shall be the responsibility of the park operator to supervise the installation of the sewer connector. Flexible connectors shall be kept clean when not in use. Each sewer outlet shall be capped when not in use. There shall be no discharge of sewage or waste water from any mobile home onto the ground surface, nor shall there be any sewage odors from the sewer outlet.

**8.3** In new installations, each space sewer lateral shall be connected to the sewer main by use of an appropriate Y fitting, with short T fittings prohibited; shall connect with a P trap located below the frost line; and then shall extend vertically to not less than four inches above grade, with the individual sewer outlets not less than three inches in diameter. Extensions through the ground shall be protected against frost heaving and damage by a concrete apron at ground level.

In new installations, the outlet risers, P trap, and one connecting length of lateral at each space shall be constructed of cast iron with leaded joints. The remaining new sewers and drainage lines shall be constructed as specified for building drains and sewers.

In new installations, cleanouts shall be provided separated horizontally from water supply pipes by at least ten feet of undisturbed or compacted earth, except as provided in section 7.8.

Changes in direction of new main sewer lines shall be with forty-five degree fittings. Each new sewer main or branch shall terminate in a stack extending at least nine feet above the ground level and provided with a cleanout. Stacks may be constructed of cast iron, vitrified fibre, concrete, cement asbestos, bituminized fibre, lead, or copper piping or tubing. Galvanized steel or wrought iron may be used above ground.

In new installations, cleanouts shall be provided at each second change in direction or at intervals of one hundred feet. Manholes may be substituted in lieu of cleanouts and stacks where a perforated cover will not create an odor nuisance or explosion hazard, and where surface water is excluded. A sufficient number of cleanouts or manholes shall be provided to allow rodding of the system.

Sanitary sewers within the mobile home park area shall not receive storm or surface water drainage.

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

TABLE 4  
*minimum size and slope of sewer*

Sewer Diameter (Inches)	Mobile Homes Connected (Number)	Slope Per 100 Feet (Inches)
4	2— 50	15
6	51—100	8
8	101—400	5

8.5 In new installations, the components of sewage treatment systems shall be separated from wells and other critical items by at least the distance specified in Table 5.

8.6 Cesspools will not be approved for the disposal of toilet wastes except where installed and in use prior to January 1, 1954. There shall be no overflow or discharge to the ground surface from a cesspool.

8.7 Seepage (leaching) pits will be approved for the disposal of kitchen and laundry wastes,

in new construction, when complying with the following requirements: (a) The location of each pit shall conform to the standards shown in Table 5, section 8.5; (b) Each pit installed for disposal of kitchen wastes shall contain at least one and five-tenths, and each for disposal of kitchen and laundry wastes at least three, cubic yards of crushed rock or gravel below the inlet, with pits serving more than one mobile home or other buildings increased proportionately in size; (c) No pit shall penetrate the soil to a depth within three feet above the ground water stratum, nor to a total depth of over twelve feet; (d) Each pit shall be provided with an inlet pipe, to which a flexible leakproof connection from the mobile home drain shall be attached when the space is occupied and which shall be capped when the space is unoccupied; (e) Each pit shall be covered by not less than twelve, nor more than twenty-four inches of loose filled earth; and (f) There shall be no overflow or discharge to the ground surface from any seepage pit.

TABLE 5  
*minimum separation distances in feet required in locating sewage treatment plants*

COMPONENT OF SEWAGE TREATMENT SYSTEM	PRIVATE WELL	PUBLIC WATER SUPPLY WELL	STREAM OR OPEN DITCH	DWELLING OR OTHER STRUCTURE	PROPERTY LINE
Sewer of cast iron, concrete encased	5	10	—	—	—
Sewer of cast iron, leaded joints, not encased	10	20	—	—	—
Sewer of tile or equivalent material, tight joints	50	75	—	—	—
Septic tank	50	75	—	10	—
Distribution box	50	75	—	—	—
Subsurface absorption field	75	200	—	10	5
Subsurface filter system	75	200	25	10	5
Seepage pit	75	200	25	20	10

Distances specified for public wells also apply to pump suction lines.

Existing systems will be considered as properly located when meeting the above minimum separation distances.

8.8 Privies shall be maintained in a clean and sanitary condition at all times. All privy pits shall be flytight, and there shall be no spillage or seepage of the pit contents to the ground surface. Pits shall be kept cleaned, or new pits provided when the contents are within eighteen inches of the ground surface. When a privy is abandoned, the superstructure shall be removed and the pit contents covered with lime and at least eighteen inches of compacted earth.

The proposed construction of sanitary privies in existing parks will be approved providing the present method of waste disposal is by privies. In the development of new parks or additions to existing parks, the installation of privies will be approved only when other satisfactory methods of waste disposal cannot be provided. New privies shall be constructed with insect-and-rodent-tight pits and superstructure as shown in publications of the department or equal thereto.

8.9 When a septic tank is cleaned the sludge

shall be handled in a sanitary manner and its disposal shall be by burial, placing in a public sewer system, or by other similar sanitary methods. Dumping directly into a stream or on land adjacent to a stream is prohibited.

#### 9.0 Refuse Disposal

9.1 The storage, collection, and disposal of refuse (which includes garbage, rubbish, and trash) from each park shall be conducted to avoid creation of health hazards such as rodent harborage, insect breeding areas, and air pollution. The park premises shall be kept free of debris and litter at all times.

9.2 All refuse shall be stored in flytight, watertight, and rodent-proof metal containers having tight fitting lids; and shall not be allowed to be placed or to accumulate on the ground. Each container and lid shall be maintained in a sanitary condition and in good repair at all times.

Sufficient containers to supply a minimum capacity of twenty gallons for each four mobile homes, and to supply adequate storage

space for all refuse produced between collections, shall be provided. In new installations, each container shall be placed on a holder or rack elevated at least twelve inches above the ground level, or an impervious slab at ground level; each of which shall be maintained in a sanitary condition at all times.

Refuse shall be collected from the containers at least once each week, and more often if necessary; and shall be incinerated, buried, or transported to a municipal, county, or private dump ground, or other similar disposal plant. No incinerator used for garbage disposal on the park premises shall create objectionable smoke or odor. No garbage or empty food cans shall be placed in a unit suitable for use only as a trash burner. A spark screen shall be provided for each incinerator and each trash burner. When refuse is buried on the premises, it shall be covered by at least twelve inches of compacted earth immediately.

#### 10.0 Supervision

**10.1** The owner or authorized agent shall be personally liable and responsible for supervision of the park, maintenance of all sanitary appliances and fixtures in good repair and appearance, and conducting, when necessary, insect and rodent control measures including applying insecticides and rodenticides. It shall be the duty of the owner or agent to take

promptly such action as may be required to enforce these regulations or, if necessary, to eject from the park any person who willfully or maliciously damages the sanitary appliances or fixtures provided, or does not adhere strictly to these regulations. Adequate equipment for maintaining the park in a strictly sanitary manner at all times shall be provided and maintained by the owner or agent.

#### CROSS CONNECTION—WATER SUPPLIES

##### Department Rule No. 4

No public waterworks system, either publicly or privately owned, shall be cross-connected with any other waterworks system, either publicly or privately owned, unless the water in the latter system meets the standard of purity as required for public water supplies by the regulations of the department.

Any direct physical connection between pipes or piping of a public water works system and any other water system shall be deemed a cross-connection regardless of number or type of valves that may be inserted between the two systems, except in such instances where it is physically impossible for water from the secondary system to enter the public water system under any possible combinations of operating conditions, and in such instances connection shall be permitted only with the written approval of the department.

### FREE CARE OF TUBERCULAR PATIENTS IN PUBLIC TUBERCULOSIS SANATORIA

#### Authority

These rules and regulations are promulgated pursuant to authority granted in section 254.8 Code, 1950.

#### Who May Apply

Any legal resident of Iowa suffering from tuberculosis and agreeing to remain under treatment until discharged by the sanatorium as no longer having tuberculosis in a communicable stage may apply for a free treatment certificate. Any person actually residing in the state of Iowa with a bona fide intent to remain in the state of Iowa is to be considered a legal resident of Iowa for the purposes of administration of this law. Applicants are not limited to those who have acquired legal settlement in a county of this state.

#### Certifying Agent

In counties maintaining a separate public tuberculosis hospital, the application is made to the board of hospital trustees. In counties which do not maintain such a hospital, the application is made either to the county director of social welfare or to the county overseer of the poor, whichever is designated by the board of supervisors.

#### Treatment Costs Considered a Public Health Expenditure

In acting upon applications, the board of hospital trustees, county director of social welfare or overseer of the poor are to "consider expenditures of public funds for treatment of tuberculosis as expenditures for the

protection of the public health and not as moneys advanced in the nature of welfare or relief." This principle constitutes legal recognition of the public interest in the hospitalization and segregation of tuberculous patients, as an important means of preventing the spread of infection to others. The motive for granting free care is protection to the public, and thus such protection becomes the paramount interest in considering applications for free care.

#### Issuance of Certificates—Controlling Principles

A. The board of hospital trustees, county director of social welfare or overseer of the poor are to grant free treatment to a tuberculous applicant who "is not possessed of sufficient income or estate to enable him to make payment of the costs of such treatment in whole or in part without affecting his reasonable economic security or support, in light of his resources, obligations and responsibilities to dependents."

B. The period of treatment, convalescence and rehabilitation varies for each patient, and the issuing officer shall give consideration to the probable length of such treatment and to the probable post-treatment period, during which the patient may not be able to work after being discharged from the sanatorium, and to the living costs of family and other dependents during the period of treatment, convalescence and rehabilitation, coupled with the need for support of the family in the event the patient does not recover.

C. The applicant shall not be required to encumber, sell or otherwise sacrifice a home-  
stead required for the housing and maintenance of his family and dependents nor other property holdings to the extent that income from the same is required to provide the necessities of living for such family and dependents and certificates of free care shall not be denied by virtue of the existence of such property holdings by the applicant or those legally responsible for his care.

D. Employed members of the applicant's household or those legally responsible for his care shall be allowed to retain such wages as they may earn as are necessary to maintain the reasonable economic security and support of the applicant's household and their obligations and responsibilities to their own or to the applicant's dependents, and certificates of care shall not be denied because of the existence of any such wages or income.

E. Family savings in a reasonable amount, together with continued maintenance of existing life insurance policies on the applicant or his family in a reasonable amount, shall be preserved to the extent the same are needed to assure the family's economic security during the period of treatment, convalescence and rehabilitation and to provide such security for a reasonable period of family rehabilitation and adjustment in the event of the possible death of the applicant and the issuance of a certificate shall not be denied by virtue of such savings.

F. In the event the applicant is the head of the family, careful consideration shall be given to the probable loss of income and the consequent need to preserve property holdings, savings and other income sources to carry the family through the period of treatment, convalescence and rehabilitation, until such applicant can again provide reasonable security and support for the family and liquidation of his obligations to himself and his dependents.

G. In the event the applicant is a wife or mother, not the head of the family, consideration shall be given to the probable added family expense to maintain and operate the home and household until applicant can return and with safety assume in full her former responsibilities. In the event the applicant is a child or other member of the family, but not the head of such family, consideration shall be given to the possible financial needs devolving upon the applicant because of a probable death and disability of the head of his family.

H. In general, favorable consideration shall be given to applicants who are possessed of moderate resources. Applicants whose resources clearly indicate that all of the costs of treatment can be met without jeopardizing the family's welfare and independence during the period of treatment and the succeeding period of convalescence and rehabilitation shall be expected to meet such costs.

I. The object of the law and these regulations is to obtain admission of the tuberculous patient to a tuberculosis sanatorium with a

minimum of delay. Doubtful situations shall be resolved in favor of the public benefits resulting from hospitalization and segregation of a person with tuberculosis.

#### Post-Sanatorium Treatment

Necessary post-sanatorium treatment including check-up examinations and pneumothorax refills as prescribed by the sanatorium medical staff shall be within the scope of free treatment furnished under the law.

#### Review

Any applicant denied a certificate may have his application reviewed by a district court, who shall hear the matter anew under such rules and procedure as he may prescribe. The county director of social welfare, the overseer of the poor, or the board of hospital trustees, as the case may be, shall co-operate in furnishing to the court such information as it may require.

#### Forms

Form T-1 is to be completed in duplicate at the time a patient requests free treatment. The original copy is to be a part of the certifying agency's record. The duplicate copy is to be forwarded promptly to the Iowa State Department of Health, Des Moines.

Form T-2 is to be completed in quadruplicate by the certifying agency. The original copy is to be issued to the applicant who will present the certificate to the designated public tuberculosis sanatorium in accordance with such contracts, resolutions or actions as the board of supervisors of the county may have taken in connection with their provision for the treatment of tuberculous persons under chapter 254, Code 1950. The second copy of T-2 shall be added to the certifying agency's file on the case. The third copy of T-2 shall be promptly filed with the county auditor of the county of legal settlement of the applicant. The fourth copy of T-2 shall be delivered promptly to the Iowa State Department of Health, Des Moines, Iowa. In the event the application for free care is denied, the Form T-2 shall be completed with a statement explaining the reason for rejection and the distribution of the copies shall be the same as the distribution for approved applications. Upon delivery of the decision where free care is denied, the certifying agency should inform the applicant of his privilege of requesting a review of his case before the judge of the district court in his county of legal residence.

#### Distribution of Forms for Applicants Having No County of Legal Settlement

In case of an applicant not having a county of legal settlement in the state of Iowa or any rights for legal settlement in another state or when such settlement of the applicant is unknown, the certifying agency shall consider the application in the same manner as in other cases and appropriately issue certificates of free care, if the applicant is residing in the county where the application is made. In these cases, the certifying officer shall name the state tuberculosis sanatorium at Oakdale,

Iowa, as the place of treatment in the certificate for free care. The original copy of Form T-2 shall then be issued to the applicant, as in other cases. The second copy of Form T-2 shall be retained in the agency files, as in other cases. The third copy of Form T-2 shall be delivered to the superintendent of the state tuberculosis sanatorium at Oakdale, Iowa. The fourth copy of Form T-2 shall be delivered to the Iowa State Department of Health at Des Moines, Iowa, as in other cases.

**BARBER EXAMINERS**

[Amendments filed August 10, 1956]

**CURRICULUM AND MINIMUM REQUIREMENTS FOR APPROVED IOWA SCHOOLS OF BARBERING**

Adopted by the Iowa Board of Barber Examiners by authority of chapter 158, Code of Iowa, 1950.

Each Iowa school of barbering approved by the Iowa Board of Barber Examiners shall conduct a course of study of at least 1,170 hours to be equally divided over a period of six months.

**Supervised Practical Instruction**

Scalp care and shampooing .....	} 884 hours
Honing and stropping .....	
Shaving .....	
Facials, massage and packs .....	
Hair cutting .....	
Hair tonics and singeing .....	
Dyeing and bleaching .....	

**Demonstrations and Lectures**

Law, ethics, economics, equipment, shop management and history of barbering .....	} 260 hours
Sanitation, sterilization, personal hygiene and first aid .....	
Bacteriology .....	
Anatomy .....	
Skin, scalp, hair and their common disorders .....	
Electricity, as applied to barbering .....	
Chemistry and pharmacology .....	
Scalp care .....	
Honing and stropping .....	
Shaving .....	
Facials, massage and packs .....	
Hair cutting .....	
Hair tonics and singeing .....	
Dyeing and bleaching .....	
Instruments, soaps, shampoos, creams, lotions and tonics .....	

Lecture for at least one hour per week shall be given by a licensed medical doctor .....	26 hours
<b>SUPERVISED PRACTICE</b> .....	884 hours
<b>DEMONSTRATIONS &amp; LECTURES</b> ....	260 hours
<b>PHYSICIANS LECTURES</b> .....	26 hours
<b>TOTAL</b> .....	1,170 hours

**Managers and Instructors' Qualifications.** A manager or instructor of a school of barbering, approved by the Iowa Board of Barber Examiners, shall be registered with the Iowa State Department of Health as an instructor in barbering or shall pass a satisfactory instructor's examination given by said board.

To qualify for an instructor's examination applicant shall submit to the board satisfactory evidence as to character and ability to operate a school of barbering; shall be a high school graduate or the equivalent thereof and be the holder of an Iowa license to practice barbering for either a five-year period immediately prior to the application, or have six months experience as an assistant instructor immediately prior to the application.

**Assistant Instructors.** Temporary permits may be issued to assistant instructors in an approved school of barbering provided the following qualifications are furnished, i.e., shall be of good moral character; shall be a graduate of an accredited high school or the equivalent thereof; shall be a graduate of an approved school of barbering and the holder of an Iowa barber license. After six months as an assistant instructor said person shall make application for an instructor's examination. If he should fail to receive a passing grade, he may continue as an assistant instructor until the next regular examination by the board. If he should fail the second examination, he is not eligible for another examination and shall discontinue all connections with the school.

**Classrooms, Equipment and General Instructions**

An approved school of barbering established after June 19, 1951, shall have two rooms accessible at all times; one to be used for class study, examinations and lectures, and the other for practical demonstrations. Rooms shall be fully equipped to comply in every way and at all times with the rules and regulations of the Iowa State Department of Health and the Iowa Board of Barber Examiners.

**The Minimum Equipment With Which a School Shall Be Permitted to Operate is as Follows:**

- a. One (1) chair, lavatory and back stand, providing proper cabinet for immediate linen supply, and individual sterilizers for each chair. There shall be not less than ten (10) such sets in the classroom equipped for practice on the general public.
- b. One (1) textbook of barbering for each student and instructor.
- c. Electric equipment: One (1) high frequency electrode, One (1) twin vibrator, One (1) dermal lamp, One (1) scalp steamer, One (1) infrared lamp.
- d. One (1) microscope.
- e. Compressed air equipment for each barber chair.
- f. Automatic lather mixer.
- g. Complete supply of standard tonics, shampoos and cosmetics commonly used in barber shops.
- h. Sufficient clean linen cabinet space.
- i. One (1) blackboard, not less than 4' x 6' in size.
- j. One (1) large bulletin board conspicuously located for posting rules and regulations, notices, etc.

k. One (1) set of record files.

l. One (1) set of books used solely for history and activity of students.

m. One (1) file for duplicate copies of reports sent to the State Board of Barber Examiners.

The study and lecture room must be equipped with the specified blackboard and charts showing illustrations of the skin, circulation of the blood, muscles and bones of the face, scalp and neck. This room shall be used for the sole purpose of giving scientific instruction to students.

No school of barbering shall accept students nor be open for business until approved and licensed to operate as a school of barbering.

There shall be not more than two (2) students enrolled for each barber chair installed in an approved school of barbering; no more than fifteen (15) students for each instructor therein.

No student shall be accepted unless he is at least sixteen years of age, has an eighth grade education, or the equivalent thereof, and is of good moral character.

Each school of barbering shall maintain a library of suitable reference books including all of the required books later mentioned in the curriculum.

Each school of barbering shall hold regular classes for the teaching of both the theory and practice of all phases of barbering.

No one in any way connected with a school of barbering shall guarantee positions to students nor guarantee financial aid in equipping a shop.

Instructors shall familiarize students with the different standard supplies and equipment used in barber shops.

No student shall receive pay nor be allowed any rebates, refunds or commissions on any money taken in at the barber chair for service rendered to patrons.

Each school shall advertise only under the designation of a barber school and shall display conspicuously at the entrance to said school a sign in plain, block display lettering at least one inch in height, as follows:

"ALL WORK IN THIS SCHOOL DONE BY STUDENTS ONLY."

When school service prices are displayed or in any manner advertised by a school of barbering, they shall be followed by the words "STUDENT WORK" in lettering at least one-half the size of the lettering used to display the price.

Instructors, as well as students, shall be attired in washable uniforms, which must be kept clean and neat at all times during school hours.

All bottles and containers in use must be distinctly and correctly labeled, showing the intended use of the contents.

Smoking shall not be permitted in classrooms.

#### **Attendance**

All schools of barbering shall establish regular school hours. Any time lost by students shall be made up before diploma is issued.

Classes shall be held during daylight hours with the exception of the physician's lectures and demonstrations, which may be held during evening classes.

A minimum of five recitations per week of two hours each shall be given to all students. These periods shall include lectures, individual instruction and written examinations.

All examinations and other written papers shall be carefully graded and returned to students in order that they may see errors.

If a student enrolled in an approved school of barbering should discontinue his attendance in the school and should desire to re-enter after a period of thirty days, he shall not return until at such time that he could start with the regular class at the point in the textbook where he had previously left the school.

#### **Records**

**ENROLLMENT:** Each school or college shall forward to the Barber Division, State Department of Health, a completed application for enrollment upon the date of admittance of student together with required credentials.

**DAILY RECORDS:** Each school shall keep a daily class record of each student showing the hours devoted to the respective subjects, the total number of hours in attendance, and days present and absent; also shall be subject to inspection by the examiners or representative thereof at any time.

**MONTHLY RECORD:** An owner of a school shall furnish the State Department of Health at the end of each month the names of students therein, days absent by student if any; also show the time devoted by student to each subject.

**FINAL RECORD:** The manager of each school shall compile from his records a summary of each student's grades, hours and attendance, which shall be presented to the student upon graduation and which shall also be made a part of his application for registration by examination. The manager shall sign each copy of the required records and must certify said record is correct; also that the student has received a diploma from his school.

#### **Teaching Staff**

There shall be at least one (1) registered instructor for every fifteen (15) students or fraction thereof in each school of barbering. Instructors shall devote their entire time during school hours to the instruction and supervision of student work and shall not apply time to the private or public practice of barbering for any reason.

All students shall be given a complete course in barbering as prescribed in this curriculum.

**POST GRADUATE:** No registered barber or student who has received an apprentice license as issued by the Iowa Board of Barber Examiners may return to the school for post-graduate work unless it is for theoretical study only.

#### **NOTICE**

The entire contents of this curriculum or any part thereof, is subject to change by the Iowa Board of Barber Examiners at any time.



## LIBRARY

Each school of barbering operating in Iowa, must maintain a library for the students enrolled therein, consisting of all of the following books and magazines:

BOOKS	AUTHOR
First Text on Anatomy	Francis S. Wildner, M.D.
Anatomy	Dr. Henry Gray
Electricity & Light	Eberhart
Salesmanship & Business Efficiency	Knox
Civic Sociology	Ross
Building Citizenship	R. O. Hughes
Elementary Economics	Carver and Carmichael
Manual of Ethics	MacKenzie
Chemistry for Today	McPherson, Henderson & Fowler
The American Pocket Medical Dictionary	Dorland
A Standard Dictionary	
Diseases of the Hair & Scalp	Hubbard
Standardized Textbook of Barbering	A.M.B.A.
Master Barber Magazine & Beauty Culturist	A.M.B.A.
Practical & Scientific Barbering Textbook	J.B.I.U.A.
J.B.I.U.A. Magazine	J.B.I.U.A.

## RULES AND REGULATIONS

## GOVERNING SANITARY OPERATION OF BARBER SHOPS AND BARBER SCHOOLS

As prescribed by the State Department of Health in accordance with the laws of the state of Iowa:

**1. Rules posted.** The manager of each barber shop shall keep a copy of these rules posted in a conspicuous place in the shop.

**2. License.** Barbers shall display at their work cabinet the original license certifying the practitioner is a licensed barber; also the annual renewal. Barber shop licenses shall be in the name of the licensed operator and posted therein. An apprentice shall have a valid permit posted. One apprentice to each licensed barber; only two apprentices in any one barber shop.

**3. Signs.** Each barber school shall display a sign at its main entrance indicating a barber school; also a sign therein that barber services are given by students only.

**4. Sanitation.** Every barber shop shall be well lighted, properly ventilated, and kept in a clean, sanitary and orderly condition.

**5. Quarters.** Barbering shall not be practiced in a residence unless the shop is completely separated from living quarters by a solid permanent partition. A direct outside entrance shall be provided.

**6. Quarters adjacent to other businesses.** A barber shop located in a room adjacent to a restaurant, tavern, grocery, etc., shall be in a completely separate room. If any doors be-

tween same, they shall be equipped with an automatic spring for immediate closing.

**7. Candy, cigars, beverages, etc.** To be dispensed only from sealed packages.

**8. Plumbing.** Barber shops shall have modern plumbing and an adequate supply of both hot and cold running water connected with the local water system. In communities where a water system is not available, a pressure gravity system shall be installed of adequate capacity to provide water in sufficient force to thoroughly saturate linens. Drain pipes shall be connected directly with an approved sewerage system.

**9. Combs and brushes.** Combs and brushes must be cleansed; then immersed in an efficient disinfectant. Combs shall be left in the solution or in a sterile cabinet at all times when not in use. Use of the common hair brush is prohibited.

**10. Instruments.** Instruments of the profession shall be thoroughly cleansed; then immersed for at least one minute in an effective disinfectant before used and kept in a sterile cabinet. Electric clipper plates shall be cleansed and immersed for at least one minute with power on in boiling mineral oil, or properly sterilized by the open-flame method.

**11. Disinfectants.** All containers must be kept clean and well filled with an effective recognized disinfectant. A separate container shall be provided for each practicing barber.

**12. Shaving mugs.** Shaving mug, soap, and brush shall be thoroughly rinsed with boiling water before each patron is served. Rubber or porous mugs are prohibited.

**13. Bowls and strops.** All cups, bowls and strops shall be kept clean at all times.

**14. Dusters and brushes.** The common neck duster or brush shall not be used in any public barber shop.

[Filed August 10, 1956]

**15. Hands.** Every barber shall wash his hands thoroughly with soap and water before serving a patron.

**16. Head rest.** Each barber chair head rest shall be provided with a mechanical paper container and clean shaving paper.

**17. Linens.** Freshly laundered linens shall be used for each patron. In hair cutting, shampooing etc., freshly laundered towel or neck strip shall be used to prevent the haircloth from directly contacting the patron. All soiled linens must be immediately disposed of in a container provided for that purpose.

**18. Styptic powder and alum.** Alum or other material used to stop the flow of blood shall be used only in liquid or powder form.

**19. Communicable diseases.** A barber shall not practice who is infected with any communicable disease.

**20. Other disease carriers.** Dogs, cats, birds and other pets shall not be kept in a barber shop or school.

**21. Managers' duty.** It shall be the duty of each manager of a barber shop to ascertain



that all barbers employed in the shop have an Iowa license to practice, and that all employees observe these rules and all other sanitary rules of the local board of health and State Department of Health.

#### DISINFECTANTS

**Disinfectant solutions.** A large number are available and satisfactory, i.e.,

a. Formalin, 10% solution—made by adding one (1) part of commercial formalin to ten (10) parts of water. This represents a 4% solution of formaldehyde.

b. Alcohol—70%, as ordinary alcohol.

c. Potassium Mercuric Iodide—excellent for combs and instruments.

d. Bichloride of Mercury (1 to 1,000)—Poisonous. Is harmful to metal but excellent for combs.

e. There are many disinfectant solutions es-

pecially designed for the barbering profession. Consult inspector, your druggist or supply dealer.

*Note:* Section 158.11, Code of Iowa, 1950, provides that no barber shop shall be opened to the public until same has been inspected, approved, and license issued. Shops changing ownership shall immediately make application for transfer of license.

*Penalties:* Section 158.12, Code of Iowa, 1950. Any person found guilty of violating any of the provisions of this chapter or the license provisions of chapter 147, Code of Iowa, 1950, shall be fined not to exceed \$100 or be imprisoned in the county jail for not more than thirty days.

This penalty applies to the violation of the above rules, the practice of barbering without a license, or the opening or operation of a barber shop without a license.

### STATE BOARD OF CHIROPODY EXAMINERS

["Chiroprody" was changed to "podiatry" in the statutes by 59 G.A., ch 114—Editor]

#### CONDUCTING EXAMINATIONS

1. All applications for examination must be made upon the official forms supplied by the State Department of Health, Statehouse, Des Moines, Iowa.

2. These application forms properly filled out shall be filed with the State Department of Health together with the applicant's diploma and the fee of twenty dollars (\$20.00), at least fifteen days before the date of examination.

3. Each application form will require that a full statement be made of the number and date of each state examination taken by him prior to his application to this board, together with the average obtained thereon at each, and whether or not any certificate issued him has ever been suspended or revoked.

4. The statements made in application form shall be subscribed and sworn to by the applicant and attested under seal by a notary public, or if executed outside the state of Iowa, by the clerk of a court of record.

5. A senior student expecting to graduate from an approved chiropody college at the end of the spring term may be admitted to the state examinations held in May or June upon a presentation of a certificate from the Dean of his college stating that the applicant has conformed to all the college requirements and will be granted a diploma at commencement, but the examination papers of such applicant will not be rated until his diploma has been issued and verified by the State Department of Health.

6. No candidate shall under any circumstances enter the examination more than thirty minutes late unless excused by the examiners and no candidates shall leave the room after the distribution of the question papers. Candidates shall not be permitted to leave the room during the examination unless accompanied by one of the examiners or a clerk indorsed by the board.

7. The candidates will be seated at individ-

ual tables or desks and will not be permitted to communicate with each other during the hours of examination, nor to have in their possession help of any kind. Any applicant detected in seeking or giving help during the hours of examination will be dismissed and his papers canceled, but he will be entitled to return for another examination within fourteen months.

8. All examinations shall be in writing and in the English language and shall be written with pen and ink. Special examination paper will be supplied by the Department of Health but pens and ink must be provided by the candidates.

9. Before commencing the examination each applicant will be given a confidential number which he shall inscribe at the upper left-hand corner of each page of the manuscript; no other marks shall be placed on any paper whereby the identity of the candidate may become known. The pages are to be numbered in the upper right-hand corner.

10. The examination questions will be prepared and the answers rated by the board members to whom the subjects have been assigned.

11. The handwriting of the candidate must be legible; proper punctuation and the use of capital letters and general appearance of examination papers will be considered in marking answers.

12. The following is the schedule of questions to be submitted to the candidates for examination:

Anatomy, bacteriology, chemistry, clinical and practical chiropody, chiropodic medicine, diagnosis, dermatology, histology, materia medica, neurology, orthopedics, pathology, pharmacy, physiology, physiotherapy, roentgenology, surgery and others as prescribed by the Board of Chiropody Examiners.

13. There shall be assigned a time and place to each candidate for the purpose of being

given an oral examination by the Board of Examiners in the following subjects: Personal history, ethics, theory in practice.

14. The Board of Examiners shall file with the department a brief summary and estimation of the answers to the oral examination of each candidate.

15. A general average of not less than 75 percent of the correct answers will be required to pass, but no certificate will be granted to an applicant whose grade is below 70 percent in any one subject.

16. Any candidate failing to pass in his first examination shall be entitled to a second examination within fourteen months without filing a new application and fee, but for all examinations subsequent to the second one, a new application and fee of twenty dollars (\$20.00) shall be required.

17. At the conclusion of the examination each candidate will be required to sign the following:

Declaration of Honorable Conduct in Taking Examination:

We, the undersigned, each and severally declare that we are applicants for certificates from the Iowa State Department of Health as certified to it by the State Board of Chiropractic Examiners authorizing us to practice Chiropractic in Iowa, and that we were present and took the examination held at ....., Iowa, on ....., 19.....

We further declare we neither received nor extended any aid to others nor resorted to any means whatsoever to secure the required ratings to enable us to pass.

We further declare that we did not see any of the sets of questions used at this examination until they were handed out by the Examiners.

18. Citizenship. All applicants for licensure must be citizens of the United States or have taken out first naturalization papers.

#### Rules and Regulations Concerning Reciprocal Agreements

1. All applicants for license by reciprocal agreement must be made on the official forms supplied by the State Department of Health.

2. This application properly and completely filled out must then be filed with the secretary of the State Board of Examiners fifteen days prior to the date of the Examiners regular meeting usually held in June or in person to the secretary of the board at his office in the interim. This application must be accompanied with the fee of \$40.00.

3. Each application will require attached thereto a photostatic copy of their diploma from the chiropractic college from which they graduated, and a photostatic copy of their license from the state from which they are applying. Further, there shall be furnished and attached a complete transcript of credits and grades from their school plus a certified copy of their grades from their state board examination.

4. No person is eligible to apply for a license

by reciprocal agreement in Iowa unless he can present satisfactory evidence of having practiced at least two years in the state from which he is applying.

5. No temporary certificate or special permits to practice chiropractic shall be issued. The filing of application does not grant an applicant any privilege to practice chiropractic in any manner whatsoever in the state of Iowa.

6. A license to practice chiropractic in the state of Iowa by a reciprocal agreement shall be granted to an applicant only on the same basis on which such other state grants a certificate to an applicant from this state.

7. No license by reciprocal agreement shall be given to an applicant from another state that does not have educational requirements on a par with the Iowa chiropractic law.

8. No license by reciprocal agreement shall be granted to an applicant unless he can furnish satisfactory evidence of membership in good standing in his state and national associations.

#### BOARD OF CHIROPRACTIC EXAMINERS RULES OF EXAMINATIONS

1. The board will meet the first Monday in April, August and December to conduct examinations, or any business which may regularly come before it, and other meetings at the discretion of the board. The December meeting will be at the Statehouse in Des Moines. Applications will be made on the regular forms provided for that purpose, and must be in the hands of the board fifteen days prior to the date of the examination.

2. Candidates must answer correctly 70 percent of the questions in each subject and attain a general average of 75 percent.

3. Application for examination. Application shall be made direct to the secretary of the board.

4. Photo. An unmounted photo of the applicant, 3½ inches by 5½ inches, shall be pasted in space provided on application before filing with the board of examiners. This photo will be verified with the applicant before he is allowed to write the examination.

5. Examination number. Before commencing the examination, each applicant will be given a confidential number which he shall inscribe at the upper left-hand corner of each page of the manuscript; no other marks shall be placed on any paper whereby the identity of the candidate may become known. The pages are to be numbered in the upper right-hand corner.

6. Any failing paper must be reviewed by the entire board.

#### RULES PERTAINING TO SCHOOLS

1. Recognized schools or colleges of chiropractic incorporated in this state will be required to regulate their clinics and conduct them in the following manner:

2. The schools shall maintain a department of patient adjusting, or student clinics. The student clinic shall be of two categories:

- a. A school clinic.
  - b. An out-patient clinic.
3. The director of the student clinic and the director of out-patient clinic or service, must hold an Iowa chiropractic license.
4. Students adjusting in the school clinics must be under direct faculty supervision at all times.
5. Students with less than two months of clinical adjusting cannot do out-patient adjusting.
6. The school shall require of all students who adjust patients outside of regular school clinics that they apply for and obtain a written permit from the department of student clinics, designating the correct name, age, sex, address, together with the diagnosis and analysis of each patient under the student's care. Such permits shall not exceed ten at any one time for each student adjuster, and shall expire at the end of fourteen days from date of issuing.
7. Technic used by the student must be approved by the director of out-patient service.
8. Permits must be shown to the patient.
9. Permits are valid for adjusting only in the city of school.
10. Students shall not be permitted to adjust other students outside of school clinics.
11. Permits must be returned to director if patient discontinues service.
12. Quarantine, placard and venereal cases shall not be adjusted by students.
13. Students shall not be permitted to make analytical X-ray pictures outside of school laboratory.
- The foregoing Rules and Regulations adopted by the Iowa State Board of Chiropractic Examiners, shall be effective on and after the 15th day of January, 1953. [Filed December 15, 1952.]

**COSMETOLOGY EXAMINERS**  
**SCHOOLS OF COSMETOLOGY**  
**AND**  
**APPLICANTS FOR EXAMINATION**  
 [Amendments filed May 15, 1953]

**Rule 1.** The Board of Cosmetology Examiners will grant their approval for the issuance of an original school license to be issued by the Iowa State Department of Health, when the conditions hereinafter set out have been fully complied with and met; likewise the annual reissuance of a school license will be recommended by the board to the State Department of Health, when there is full compliance with the following rules pertaining to the operation of an approved school.

A. Cosmetology shops may be owned and maintained by the license holder of a school of cosmetology but no such shop shall be operated in connection with the school.

B. The schoolrooms shall be large enough to properly accommodate all of the enrolled students, and be so equipped as to provide for practical work, lectures and demonstration

purposes. A separate room or rooms must be maintained for study and lecture purposes.

C. The daily class hour schedule, which shall be posted in the classroom and shall consist of eight hours instruction six days each week (Sunday excepted), and in no week shall a student be given credit for more than 54 hours. Students, absent for legitimate reasons, shall be privileged to make up any lost time not to exceed six hours in any one week, so as to permit them to complete their training with their regular class.

D. The course of study in an accredited school shall consist of no less than 2,100 hours training, and no school will be approved by the board until it meets the requirements of study as set out in the following curriculum:

CURRICULUM	Hours
Shampooing (Theory and practical class theory) .....	100
History of marcelling .....	1
Facial massage (Theory and practical class theory) .....	50
Facial massage (Practical) .....	100
Electrical devices (Theory and practical class theory) .....	25
Anatomy and scalp treatment (Theory and practical class theory) .....	25
Scalp treatment (Practical) .....	100
Manicuring and hand and arm manipulation (Theory and practical class theory) .....	35
Manicuring (Practical) .....	40
Hair tinting, coloring, and bleaching (Theory and practical class theory) .....	75
Hair tinting, coloring, and bleaching (Practical) .....	150
Permanent waving (Theory and practical class theory) .....	559
Permanent waving (Practical) .....	40
Finger waving and hairdressing (Practical class theory) .....	200
Finger waving and hairdressing (Practical) .....	40
Haircutting and shaping (Practical class theory) .....	130
Haircutting and shaping (Practical) .....	30
Sanitation and use of antiseptics (Theory) .....	55
Sanitation and use of antiseptics (Practical) .....	50
Written and oral tests on work .....	20
Iowa law .....	110
Business management and salesmanship .....	165
Hours left to the discretion of school owner .....	2100
<b>Total Hours</b>	<b>2100</b>

**MINIMUM SCHOOL EQUIPMENT**

**Rule 2.** Equipment for classroom of 30 students shall consist of at least:

Four (4) modern facial chairs with stool for each

Four (4) lavatories with corresponding shampoo equipment

Twenty-four (24) soap dispensers

Two (2) towel cabinets

Two (2) covered towel hampers

Two (2) cabinets for facial cream, lotion, etc.

Six (6) trays for facial supplies  
 Twelve (12) hairdressing chairs or more  
 Eight (8) mirrors  
 Two (2) dry sterilizers in dispensary  
 One (1) covered flat wet sterilizer, large  
 Twelve (12) covered containers for hair pins  
 Twelve (12) covered waste containers  
 Twenty-four (24) covered sanitary containers for fingerwave lotion  
 Ten (10) dryers (upright)  
 Two (2) high frequencies  
 One (1) vibrator (optional)  
 Three (3) electric clippers  
 One (1) scalp and facial steamer  
 Two (2) croquignole permanent wave machines

Three (3) cold wave methods, or more  
 One (1) therapeutic light

Equipment for sterilizing room shall consist of:

Lavatory  
 Stove  
 Large wet sterilizer  
 Large dry sterilizer  
 Covered soap container  
 Individual paper towel container  
 Closed cabinet and covered hamper for towels  
 Covered waste container

Manicuring equipment shall consist of:

Four (4) manicure tables, fully equipped  
 Lights  
 Bowls  
 Covered container for supplies  
 Individual brushes, individual buffers  
 Chair and stool for each table

Miscellaneous equipment:

Closed cabinet for permanent wave equipment  
 Two dozen (24) combs aside from students' individual combs  
 Two dozen (24) brushes

**Rule 3.** A. Instructors in approved schools of cosmetology, in addition to being licensed in the State of Iowa as cosmetologists to teach theory shall:

Be 21 years of age  
 Be a graduate of an accredited high school  
 Have 864 additional hours of teacher's training in cosmetology

Obtain certification from school of training, with grades in final examination submitted with application for instructors' permit to the Division of Cosmetology

By attending a workshop provided by the Division of Cosmetology annually renew instructors' permit.

B. Instructors in practical work in approved schools in addition to being licensed as cosmetologists in the State of Iowa shall:

Be 21 years of age  
 Be a graduate of an accredited high school  
 Have one year's experience in the field of cosmetology

Have three weeks' advanced schooling, including: One week of advanced tinting, one week on advanced permanent waving or facial, one week of advanced hair styling.

The instructors' permit must be renewed

each year by attending one week of advanced training in any of the above-mentioned subjects, and sending proof of compliance to the Division of Cosmetology. [Amended October 1, 1959]

C. The number of instructors for each school shall be based on total student enrollment, with a minimum of two instructors for every thirty (30) students enrolled.

D. A school shall not permit its instructors to work on its patrons, except when instructing or otherwise assisting students in said school.

E. Schools must file an enrollment card and a monthly report card for each licensed cosmetologist taking a teachers training course. These cards must be on file in the state cosmetology office on or before the fifth of any month, subsequent to the beginning of the special training.

#### STUDENTS

**Rule 4.** A. No student shall be given double time credit for working after school hours.

B. All students must be given their final school examination not later than upon the completion of 2,100 hours training and issued their diploma after receiving a passing grade.

C. No student shall be called from theory class to work on the public.

D. All students must be taught two types of pin curls.

E. All examination papers will be graded according to the confidential number, starting with No. 1.

F. All students must comb out the hairdress of patrons, whenever possible.

G. All work done by students on the public must be under the supervision of an instructor at all times.

H. Anyone taking instructors' course is not allowed to work on patrons for personal compensation in the school.

I. No students shall be allowed to work on the public until such time as they have received 200 hours training.

J. No brush-up students shall be allowed to accept compensation from either school or patron for work done in the school.

K. The student, upon successfully passing the school examination and receiving the school diploma may, pending taking the state board examination, begin the teachers' training course.

L. Effective January 1, 1953, all students enrolling in a cosmetology school must have two years high school training before being eligible for the Iowa Cosmetology examination. [April 21, 1953; filed May 15, 1953]

#### TEXTBOOKS AND CHARTS

**Rule 5.** Adequate standard textbooks and charts must be provided by the school in a reference library for the use of the students. All schools must have a class schedule, one on file in the cosmetology office, Statehouse, Des Moines, Iowa, and a duplicate on display in the

school. State cosmetology office to be notified of any changes in schedules.

**Rule 6.** The school shall furnish each student with a kit containing all the necessary equipment, also standard textbook in theory and electricity. (Pertinent pamphlets will be furnished upon receipt of application.)

#### ENROLLMENT CARD AND MONTHLY REPORT CARDS

**Rule 7.** Schools must send to the state Department of Health, Division of Cosmetology, an enrollment card for each student at the time of enrollment, giving name, age, and address of said student, along with the date of enrollment in said school; and on or before the fifth of each month, all schools must submit a monthly report card for each student, giving an accurate record of the hours training for the month. Report cards furnished by the department are to be used only for filing reports with the cosmetology division and are not to be used for any private purpose.

#### EQUIPMENT NECESSARY FOR EXAMINATION

**Rule 8.** Students taking the state cosmetology examination shall have at their disposal for examination the following equipment:

- 1 pair haircutting shears
- 1 haircutting comb
- 1 utility comb
- 1 hair brush
- 2 large towels

Necessary standard equipment and supplies for two cold waves and two croquignole permanent wave wraps

Necessary standard equipment for complete manicure

- Hairnet, hairpins and wave lotion
- 1 uniform
- 1 photograph
- Pen and ink

Students taking the examination must have clean hair and wear a simple hairdress.

#### RULES AND REGULATIONS OF THE BOARD PERTAINING TO EXAMINATIONS

A. All applications for examination must be made upon the official form supplied by the state Department of Health, Statehouse, Des Moines, Iowa.

B. Application forms properly filled out shall be filed with the state Department of Health, Cosmetology Division, Des Moines, Iowa, with the fee of ten dollars, at least fifteen days before the date of examination, as required by section 147.29.

C. All students who can complete their training prior to the date of examination may qualify for the examination if they file their applications at least fifteen days prior to the examination date. However, the exact date of graduation should be shown on the application.

D. The statements made in the application form shall be subscribed and sworn to by the applicant and attested under seal by a notary public.

E. A certificate of good moral character, signed by two competent persons, personally acquainted with the applicant, including a re-

cent photograph of the applicant, must be attached to the application.

F. No candidate shall under any circumstances enter the examination room more than thirty minutes late unless excused by the examiners, and no candidate shall leave the room within thirty minutes after the beginning of the examination, or the distribution of the question papers, and no candidate shall leave the room during the examination unless accompanied by one of the examiners.

G. Every applicant for examination must be able to speak, read and write the English language, or in lieu thereof furnish an interpreter.

H. The candidates will be seated at individual tables or desks and will not be permitted to communicate with each other during the hours of examination, or to have in their possession help of any kind. Any applicant detected in seeking or giving help during the hours of examination will be dismissed and his papers canceled.

I. All examinations shall be in writing in the English language and shall be written with pen and ink. Special examination paper will be supplied by the department, but pens and ink must be provided by the candidate.

J. Before commencing the examinations, each applicant will be given a confidential number which he shall inscribe at the upper left-hand corner of each page of manuscript; no other marks shall be placed on any paper whereby the identity of the candidate may become known. The pages are to be numbered in the upper right-hand corner.

K. Out-of-state requirements. All out-of-state applicants making application for the Iowa state board examination must be licensed in the state in which they received their training and they will be given credit for the number of hours required by their state at the time they took their training. The balance of the training must be taken in an approved Iowa cosmetology school. Even though the applicant has had more hours training than was required by that state, they will be given credit in Iowa only for the number of hours required by that state.

L. Any graduate taking the state board examination, who desires to practice cosmetology prior to examination, must obtain a temporary permit, fee for which is one dollar.

M. From and after September 1, 1950, an applicant to pass the examination must obtain a grade of not less than seventy percent (70%) in any one written section and a total average grade of seventy-five percent (75%) in all sections. If an applicant fails to attain the required grade in one or more sections, she shall be entitled to be re-examined in the section or sections in which she failed, at an examination within a period of fourteen months after the first examination without further application or examination fee.

N. Any student arriving more than thirty minutes late for either the theory or practical examination will be disqualified from finishing the examination. Any student carrying out

any examination questions or answers will be disqualified. In conducting the state board examinations, the first day will be devoted to the theory examination, and the following days will be devoted to practical examination, according to the numbers given out to the students by the board.

O. Any candidate failing in his first examination shall be entitled to a second examination within fourteen months without the filing of a new application fee.

P. The examination rooms will be closed to everyone except the students and examiners and members of the division of cosmetology.

Q. At the conclusion of the examination each candidate will be required to sign the following:

DECLARATION OF HONORABLE CONDUCT  
IN TAKING EXAMINATION

We, the undersigned, each and severally declare that we are applicants for certificates from the Iowa State Department of Health, as certified to it by the State Board of Cosmetology Examiners, authorizing us to practice cosmetology in Iowa, and that we were present and took the examination held at ....., Iowa, on....., 19.....

We further declare upon honor that during said examination we neither received nor extended any aid to others nor resorted to any unfair means whatsoever to secure the required ratings to enable us to pass.

We further declare that we did not see any of the sets of questions used at this examination until they were handed out by the examiners.

SANITARY CONDITIONS OF COSMETOLOGY SHOPS  
AND SCHOOLS IN IOWA  
[Amended March 25, 1953]

As prescribed by the state Department of Health in accordance with the laws of Iowa.

**1. License, rules and inspection reports.** All cosmetologists must display where such person is practicing, the framed original licensing certificate and the renewal card issued by the state Department of Health. If a person is practicing on a permit, it shall be posted. The owner or manager of every cosmetology establishment shall keep a copy of these rules to be furnished by the state Department of Health. All inspection sheets and sanitary rules must be framed and hung in a conspicuous place in said establishment. This covers all COSMETOLOGY SHOPS AND SCHOOLS.

**2. Manager.** The manager of a cosmetology establishment shall be a licensed cosmetologist. (Sec section 157.12, Code, 1950.) It is the special responsibility of the manager to see that all employees are licensed cosmetologists, except the maids and desk girls, and to see that all observe the sanitary rules of the local board of health and the state Department of Health.

**3. Proper quarters.** Every cosmetology establishment shall be well lighted, well venti-

lated, and kept in a clean, orderly, and sanitary condition at all times. All cosmetology work shall be practiced only in quarters especially equipped for such services.

a. *Residential Shops.* No cosmetology establishment shall be maintained in a home, unless a separate room is provided for that purpose. Such shops shall have an outside, separate entrance leading directly to the shop and any inside doors of said shop leading to living quarters must be closed at all times during the business day.

b. *Shops Operated in Connection with Other Business.* Cosmetology shops operated in connection with any other business (except where food is handled), shall be separated, either by complete or partial partitions. Should the cosmetology shop be operated directly in connection with a business where food is handled, such shop shall be entirely separated by closed partition and the door to such cosmetology establishment shall be closed at all times and be used only for ingress and egress.

NOTE: As to procedure for obtaining approval on shop plans, see general information.

**4. Signs.** EVERY COSMETOLOGY SHOP OR SCHOOL must display a sign indicating that it is a cosmetology shop, school, or college—said sign to be clearly visible from the street or at the entrance of said place, except in larger cities where department stores have store directories posted.

**5. Sterilization — Disinfection.** All instruments in use in any SHOP OR SCHOOL practicing cosmetology, except clippers, shall each time after use be cleaned thoroughly with soap and hot water, then be immersed for at least twenty minutes in a disinfectant solution (alcohol 70 percent, mercuric bichloride 1:1000, saponated cresol 2 percent, or any other germicide solution with bactericidal strength equal to that of a 5 percent solution of phenol or carbolic acid) in a covered, flat container large enough to completely immerse all instruments, after which they should be dried and placed in a closed cabinet.

a. Every cosmetologist shall wash her hands with soap and water immediately before serving each patron.

b. Head coverings, water waving net, hair pins, bobby pins, and curlers must be washed and sterilized after each use as above directed.

c. Clippers should be kept clean by wiping carefully after each use with cotton saturated with 70 percent alcohol (when obtainable) or 2 percent Lysol solution.

**6. Towels, containers and other supplies.** A clean, freshly laundered towel shall be used for each patron. A closed cabinet or drawer must be provided for clean towels and linen, and also a covered hamper for soiled towels and linen. Whenever a haircloth is used, as in cutting the hair, shampooing, etc., a newly laundered towel or tissue paper neck strip shall be placed around the neck so as to prevent the hair cloth touching the skin.

a. The head rest of every cosmetology chair

shall be protected with fresh clean paper or cloth before its use for any patron. Rubber protective head rests are not permitted.

b. Every operator shall be required to have a minimum of twelve finger waving combs.

c. The use of dusters, common powder puffs and sponges is hereby prohibited.

7. **Dispensers.** Fluids and powders must be applied to patron from a shaker type dispenser. Creams and other semisolid substances should be removed from the container with a clean spatula or similar article. Removing such substances with the fingers is prohibited. Creams must be kept covered when not in use.

8. **Permanent Wave Equipment.** All permanent waving felts shall be thoroughly washed with soap and water after each use. Disposal type paper shields are preferable and shall be used only once. Spacers and rods must be kept in a closed cabinet. Permanent wave sachets may be used only once. Permanent wave heaters shall be kept clean at all times. Rods used in cold permanent waving methods shall be cleansed with soap and hot water after each use and placed in a closed cabinet.

9. **Haircutting Department.** Anyone maintaining a haircutting department within a cosmetology establishment shall observe all rules on sanitation as prescribed for cosmetologists.

10. **Water—Sewer.** Every cosmetology establishment shall be supplied with an adequate supply of running water, both hot and cold. Water shall be supplied by the city system; in the absence of the latter, a gravity pressure tank may be used, and the water should be applied to the patron by the use of a spray. Whenever a city sewage system is available, it shall be used; in the absence of such, an approved drainage system shall be installed.

11. **Equipment, Fixtures, Furnishings.** Shampoo boards, bowls, floors, walls, fixtures, and furniture of all shops and schools, shall be of a sanitary nature and kept clean at all times. Furnishings other than those required for actual beauty services are prohibited. [March 25, 1953]

12. **Communicable Diseases.** No person shall act as a cosmetologist who is known to be infected with a disease which may be transmitted to a patron. A patron with open sores such as occur with ring-worm, impetigo, or other communicable disease, shall not be served in a public cosmetology establishment.

13. **Other Disease Carriers.** Dogs, cats, birds, or other pets shall not be permitted in a cosmetology school or shop.

#### PENALTY

Any cosmetologist guilty of a violation of these rules shall be guilty of a misdemeanor and "shall be punished by a fine of not to exceed one hundred dollars or by imprisonment not to exceed thirty days." 135.38, Code, 1950.

#### DENTAL EXAMINERS

[Filed and indexed February 22, 1963]

All rules and regulations are supplementary

to and in conformity with the requirements of the Code of Iowa in reference to these matters.

**DEFINITIONS.** For the purpose of the interpretation of the following Rules and Regulations:

1. **Board:** Shall mean the board of dental examiners, state of Iowa.

2. **Department:** Shall mean the department of health, state of Iowa.

3. **Rule:** Shall mean a requirement set up by the board of dental examiners.

4. **Regulation:** Shall mean a requirement set up by the department of health.

5. **Annual Meeting:** Shall mean that meeting of the board held at the time and place of the annual meeting of the Iowa State Dental Society.

6. **Examination Meetings:** Shall mean those meetings of the board held in Iowa City for the purpose of examination of candidates. The time and place of these meetings shall be published in the Journal of the American Dental Association at least sixty days prior to the examination, with the approval of the department.

**Rule 1.** The license issued by the state department of health to successful applicants giving permission to practice dentistry shall be 8½ x 11 inches in size and known as Board Form No. 1. In addition to the provisions of the Code, it shall be signed by the chairman and secretary of the board.

**Rule 2.** The license issued by the state department of health to the successful applicants, giving permission to practice as a registered hygienist, shall be 8½ x 11 inches in size and known as Board Form No. 2. In addition to the provisions of the Code, it shall be signed by the chairman and secretary of the board.

**Rule 3.** In cases where there have been no objection made or complaints filed against the renewal of the license the board recommends that the department reinstate up and until September 1 all licensees who have failed to renew their licenses for the current year in conformity with section 153.11.

The department is hereby requested to inform all who are delinquent on August 1 that after September 1 all reinstatement applications must be presented to the board for their recommendation.

**Rule 4. (a)** The regular sessions as provided in 147.34 for conducting examinations shall be held at the dental school at Iowa City and the other session shall be the annual meeting of the board which shall be in the spring of each year at the time and place to be designated by the commissioner of the department and notice thereof shall be sent to each member of the board at least ten days prior to such meeting. The board at the annual meeting shall organize for the ensuing year, selecting from its own membership a chairman, vice-chairman and secretary as provided in 147.22, select a delegate to the annual meeting of the American Dental Association or the annual meeting of the American Association of Den-



tal Examiners, and authorize the secretary to request the commissioner to get the executive council's authorization for our delegate's attendance to such meetings. The board requests the department to pay the required fee and maintain a membership in the American Association of Dental Examiners which in the national organization of the state examining board as provided in 147.28. The board shall transact such other business as may legally come before it. The new officers shall assume their duties on July 1.

(b) The chairman of the board shall preside at all meetings and have general charge of all examinations, and, in the event of his absence or inability to act, the vice-chairman shall so act.

(c) The secretary of the board shall perform the usual duties of secretary and in addition thereto shall have charge of all correspondence from or to the board; shall conduct all voting that is necessary to be conducted, by mail, keeping a record of the same as part of the board's minutes; shall see that a copy of all minutes and transactions are forwarded to the department; and perform all other matters as set out herein. (147.23)

**Rule 5.** When it is necessary to use the mail in conducting the business of the board regarding the outcome of examinations conducted by the board, each member shall be informed of the result of the examination and the grade received by each applicant in each subject by letter and substantially in the form shown in the Department Form No. 3, which notice shall be given to each member of the board at least five days before the result of the examination is forwarded to the department. (147.23)

If any other matter is taken up by mail for the decision of the board, or if a decision is wished on any question when the board is not in session, the secretary shall mail to each member a ballot which fully sets forth the question and provides a place for a vote in the affirmative and negative and a place for the signature of the board member. Unless such ballot is returned to the secretary within ten days from the mailing of the same by the secretary, it shall be the duty of the secretary to record a negative vote for such member failing to return his ballot, or in lieu of the above procedure, the secretary may attach all the information regarding a vote by mail to a ballot which shall be sent to the chairman, then in turn to the board members and returned to the secretary. Each member of the board shall be notified by the secretary of the outcome to each and every vote taken, and a record of each and every vote shall be made and kept in the minutes of the secretary of the board. (147.23)

**Rule 6.** The secretary shall procure from the department the necessary supplies for the use of the board and the board members; shall notify the authorities of the University of Iowa regarding supplies, space, requirements and equipment necessary to be used at the time of giving examinations. (147.26)

**Rule 7.** The department shall receive all applications for examinations which shall be stamped with the day and the hour when received, which must be at least fifteen days prior to the first day of the examination. (147.29)

(A) Dentist's application for examination shall contain:

1. Sworn statement as to name, birthplace, age, residence, high school training and college degrees.

2. Declaration as to previous registration or examinations.

3. Recommendation by three registered dentists authorized to practice in Iowa, or, if that is impossible, by members of the American Dental Association in good standing.

4. Identified recent picture and citizenship papers of applicant attached to, and forming a part of the application.

5. Photostatic copy of dental college diploma. (Notarized)

6. Identified set of applicant's fingerprints.

7. National board certificate.

(B) Dental hygienist's application for examination shall contain:

1. Sworn statement setting out name, birthplace, citizenship papers, high school and secondary school education, time and place of studying dental hygiene, date of dental hygiene diploma, name and location of the school issuing the same.

2. Recommendation, signed by three persons, who vouch for applicant as a person of high moral character and worthy of professional recognition; one of the signers must be a dentist licensed to practice in Iowa, if possible, but in any event, must be a member of the American Dental Association.

3. Declaration as to previous registration or examinations.

4. Recent photo attached, and made part of, the application.

5. Identified set of applicant's fingerprints.

6. In lieu of the hygienist theoretical examination the board will accept a certificate of satisfactory examination issued by the National Board of Dental Examiners.

In all cases, requirements set out in application blanks must be strictly complied with, and the documents asked for, must be furnished. Application forms will be furnished on request, by the commissioner of the state department of health, Des Moines, Iowa. (147.29)

(C) A graduating student who has passed all requirements but to whom a diploma has not, as yet, been issued, may take an examination provided he files in lieu of the diploma, a statement from the dean of his college, to the effect that he is entitled to, and will receive within a one-month period a diploma. But his license and all information regarding the examination shall be withheld from him until the photostatic copy of the diploma has been sent to the secretary of the board.



**Rule 8.** The Iowa State Board of Dental Examiners recognizes only those dental schools that have been approved by the Council of Dental Education of the American Dental Association.

**Rule 9.** The department shall, as soon as possible after the closing of the filing of the applications, certify to each member of the board a list of the applicants for examination, which shall set forth the name, residence, college and recommenders of the respective applicants.

**Rule 10.** The department shall also furnish to the director of clinics of the Dental College of the state University of Iowa, the list of names and addresses of applicants for examination (other than applicants from the University of Iowa) so that said director may be able to get in touch with, and co-operate with said applicants as to their clinical needs.

**Rule 11.** Conducting examinations for license to practice dentistry and dental hygiene.

#### *National Board Dentistry*

After January 2, 1960, the Iowa State Board of Dental Examiners will discontinue use of a written examination and will require in lieu thereof completion of Parts I and II of the national board examination.

Candidates who otherwise qualify but who have failed in one or more subjects of the national board examination may be admitted to the clinical examination of the Iowa board, but the license will be withheld until certification of Part II is received from the secretary of the National Board of Dental Examiners.

(a) Unless otherwise notified in writing, applicants must appear on the first day of the examination at the College of Dentistry, Iowa City. At this opening exercise a chair and number will be issued to each applicant which will be his identification throughout the examination.

(b) Any applicant detected in attempting to give or obtain aid or information, regarding the examination, shall be dismissed from, and shall fail the examination.

(c) Applicants must be present punctually at the time designated for commencing each session of the examination.

(d) Under no circumstances will special examinations be given.

(e) All candidates will be allowed two examinations for the same examination fee, but the second examination shall be within the period of fourteen months.

In reporting a candidate to the board, the department shall designate his standing as:

First examination full fee.

Second examination no fee or full fee.

Third examination full fee.

Fourth examination full fee. (Etc. as the case may be.)

If the candidate should fail the first examination, and desires to take the second exam-

ination, he must notify the department at least fifteen days prior to the first day of such examination.

For the third and all subsequent examinations, the applicant shall be required to make application for such examination in the same manner and pay the same fee as for the original examination.

The grade of the examination will be ascertained by averaging the grade of the practical portion with the grade of the theory portion, and the candidate to be successful in the examination must receive a grade of at least seventy-five percent in the practical portion of the examination and an average grade of seventy-five percent for the entire examination.

The grade of the theory portion of the examination will be ascertained by averaging the grades of Part I and Part II of the national board examination.

The secretary of the board of examiners will assign the board members to the specific operations in the practical examinations that they are to grade. Information will be provided for the candidates as to these assignments before each examination.

(f) The applicant must furnish his own patient, all needed materials, supplies and instruments. The superintendent of the dental infirmary will aid in the procurement of patients to the extent that the required clinical material is available.

(g) The general clinical requirements for the examinations are herein set out, but the board reserves the right to add to, or change, these requirements in any way they see fit before, or during, the examination without notice.

(h) All operations must be made in the presence of the board. The applicants shall be informed as to which board member has been designated to grade the required types of operations.

(i) Regardless of what the teaching may have been, the board will deduct points from the grade of the applicant in gold foil, gold inlay, gold crown and amalgam restorations, in all cases where the normal contact and tooth form has not been restored and where all margins have not been carried to self-cleansing areas.

(j) The board will deduct points from the grade of the applicant if the cases selected do not have approximately contacting teeth, and the adjacent teeth must be normal or built out to true tooth form.

(k) Each applicant for license to practice dentistry shall be required to perform practical operations as follows:

I. Diagnosis, Charting and Treatment Planning of:

II. Gold Foil Restoration.

(Class 2, 3, or 4). To be examined as follows:

1. Before operation is started and before rubber dam is placed.
2. When cavity preparation is completed.
3. When the foil is condensed.

4. When the restoration is completely finished. In grading, the following points will be taken into consideration:

1. Rubber dam adjustment.
2. Outline form; extension for prevention; resistance, retention and convenience forms.
3. Walls and angles, enamel margins, adjacent tooth injury.
4. Condensing of gold; size of condensers; lines of force.
5. Foil margins; restoration of tooth anatomy; contacts and gum laceration.

### III. Amalgam Restoration.

(Class 2) (Rubber dam for cavity prep.)  
Examined as follows:

1. Before operation is started.
2. When cavity preparation is finished.
3. When matrix is adjusted.
4. When filling is polished.
5. At the discretion of the board, an amalgam restoration in a deciduous tooth may be required.

In grading, the following points will be taken into consideration:

1. Cavity outline; walls and angles, enamel margins.
2. Gum laceration and tooth injury.
3. Tooth form; contact and final finish.

### IV. Crown and Bridge.

Either a cast gold crown or a three quarter crown may be used for the crown and bridge portion of the examination.

The requirements for each are as follows:

#### (1) *Cast gold crown*

Any tooth posterior to cuspid. All cases must have adjacent contacting teeth. Examined as follows:

1. Before operation is started.
2. When the tooth preparation is completed.
3. The crown when cast.
4. The crown when cemented to place.

In grading the following points will be taken into consideration:

1. Tooth preparation.
2. Gum laceration and adjacent tooth injury.
3. Band adjustment.
4. Tooth form; harmony; contact and interproximal space.
5. Occlusion.

#### (2) *Three-quarter crown*

All cases must have adjacent contacting teeth.

To be examined as follows:

1. Before operation is started.
2. When the tooth preparation is completed.
3. When the wax pattern is made.
4. The casting before any grinding and polishing has been made.

5. When the three-quarter crown is cemented to place and completely finished.

In grading, the following points will be taken into consideration:

1. Cavity outline: Extension for prevention;

resistance and retention form and cusp protection.

2. Walls and angles; cavity depth; gingival seat; and proper enamel support.

3. Gum laceration and adjacent tooth injury.

4. Smoothness and margins of casting; tooth form; contact; seating and occlusion.

### V. Prosthetics.

Each candidate will be required to take an impression of a model, pour a cast, and design a partial. Several models will be available, also "blue print for design" sheets will be furnished. The candidates will be expected to furnish their own tray and impression material.

In grading the following points will be taken into consideration:

1. The impression as to its reproduction of detail.

2. The cast as to its density and how well a master metal partial denture framework fits.

3. As to whether the suggested design on the "blue print for design" is in keeping with good partial denture planning.

At the discretion of the board this requirement may be changed, details to be announced at the time of the examination.

### Dental Hygiene

(1) Each applicant for registered hygienist license shall be required as a practical demonstration to remove deposits, accretions and stains from exposed portion of the teeth and directly beneath the free margins of the gums, from as many cases as may be designated by the board during the meeting. Additional requirements may be requested by the board.

In grading such practical demonstrations, the following will be observed and taken into consideration.

1. Position of chair.
2. Adjustment to towel or linen.
3. Neatness of operator and operation.
4. Instrumentation.
5. Operation of engine.
6. Use of accelerants and medicants.
7. Gum laceration or injury.
8. Final results.

In order that each examiner may gain a general knowledge of the applicant's fitness to practice, the hygienist theoretical examination shall be of the comprehensive type and each examiner shall ask at least twenty questions regarding the dental hygienist's profession, but of such a group nature that the answers should indicate whether or not the candidate can apply her knowledge of such theory in her practice.

To lessen the possibility of question duplication the dental hygienist's field shall be divided as follows (the questions will be asked to stress the general nature of the group):

- Group I
- Chemistry
  - Pathology
  - Bacteriology
  - Physiology

- Group II
  - Anatomy (general and oral)
  - Histology
  - Radiology
  - Anesthesia
- Group III
  - Hygiene
  - Therapeutics
  - Preventive dentistry
  - Prophylaxis
- Group IV
  - Office management
  - Economics
  - Laboratory procedures
  - Ethics
- Group V
  - Asepsis
  - Food and Nutrition
  - Sanitation
  - Principles of dentistry

The grading of the theory portion of the examination shall be on a basis of one to one hundred. The applicant's theory grade shall be the average of her grades in the five groups. Regardless of how each group shall (so far as grade is concerned) be of equal importance. Each board member shall grade and record the grade of the practical demonstration of the hygienist. The theoretical subjects for the hygienists shall be divided among the board members at the time and in the manner prescribed in paragraph "b", Rule 12.

**Rule 12.** (a) At the conclusion of the spring examination, the work of the board in conducting the practical demonstrations for the following year shall be divided as follows: The two members of the board, other than the secretary, whose terms first expire, provided they have not graded diagnosis, gold foil, and inlay for two preceding consecutive years, shall have charge of and grade the diagnosis, gold foil, and inlay; the two members of the board, other than the secretary, whose terms expire last, unless a member has graded diagnosis, gold foil, and inlay for the two previous consecutive years, shall have charge of and grade the crowns and setups. The secretary of the board shall be present at all examinations and shall grade such demonstrations as specified by the board. (Section 147.35)

(b) At the conclusion of the spring examination the theoretical portion of the dental hygiene examination shall be divided or assigned among the board members. Each member shall select a theory group. The member of the board whose term first expires to have first choice, etc.

**Rule 13.** Upon request of the board, the department shall furnish a competent clerk to be present at the giving of the examination and to assist the board in handling of the affairs of said examination. (Section 147.39)

**Regulation 14.** The board shall certify the names of the successful candidates to the department on the following form, which shall be known as Form 8, and will be furnished by the department. Grades will be certified on Form 3.

*Division of Examinations and Licenses*  
 [Filed and indexed February 22, 1963]

I, .....  
 Secretary of the Iowa State Board of Dental Examiners, acting by vote of a majority of the members of said Board, hereby certify to the State Department of Health in accordance with Sec. 147.40 Code of Iowa, that the persons whose names correspond to the following confidential numbers have attained the required ratings and general average in the examination held by the Iowa State Board of Dental Examiners on ..... and are accordingly entitled to a license to practice Dentistry in Iowa:

.....  
 .....

I further certify that the persons whose names correspond to the following confidential numbers have failed to attain the required ratings and general average, and are therefore not entitled to license upon examination .....

Signed .....  
 Secretary of Iowa State Board  
 of Dental Examiners  
 (Section 147.40)

**Rule 15.** The board may enter into reciprocity agreements with other states.

A list of these states and agreements will be furnished by the secretary of the board upon request. (Section 147.53)

**Rule 16.** No information regarding the grades of the respective applicants shall be divulged by the department or the board until the applicants themselves have been notified by the department and no list of the successful or unsuccessful applicants shall be made public until thirty days after all business regarding the examination is concluded.

**Rule 17.** The department shall furnish to the Board. at its annual meeting:

1. A financial statement showing the receipts and disbursements credited and charged to the dental divisions of the state department of health.
2. A list of applicants who have failed the board's examination but who are still eligible for re-examination.
3. An alphabetical list of all licensees to practice dentistry in Iowa who are in good standing with the department.

**Rule 18.** All applicants for reinstatement must apply directly to the state department of health. Where reinstatement is requested for other than a portion of the current year, as outlined in Rule 3, each applicant shall be passed upon by the examining Board.

With each application for reinstatement, the department shall present to the board for their information:

1. Name and residence of dentist asking reinstatement.
2. Date of certificate for which applicant is asking renewal.

3. Statement of the various dates and places he has practiced and, if out of practice, state dates and places.

4. List of all the dental organizations in which applicant has held membership, with dates.

5. List of all study clubs attended, with dates and places.

6. List of all post-graduate courses taken, with dates and places.

7. Signature of two practicing dentists as recommenders, who are or have been for the previous year, members of the A.D.A. with a statement of how long each has known the applicant.

The board will look with disfavor upon the reinstatement, without examination, of a licensee who has been out of the practice of dentistry for some considerable time, or who cannot furnish evidence of trying to keep abreast of the times in an ethical practice. Any applicant for reinstatement who has been out of the practice of dentistry for five years immediately preceding his application will be required to take an examination before the board will recommend reinstatement. When an applicant is required to appear before the board for examination, he shall take only the practical portion of such examination.

**Rule 19.** The words "credibly informed" as set out in section 153.14, shall be interpreted to mean:

Only such evidence as, in our judgment, would be sufficient to convict before a jury, and each member hereby pledges that, without a majority vote of all the board, he will not request the commissioner to have any dentist appear for investigation regarding license renewal.

**Rule 20.** Regarding information and requests which come to the board concerning dental law violation, the board may contact, and consult with the ethics committee of the local or district dental society in the community where the dentist in question is located. The board may also call upon the ethics, or any other, committee of the state society, and the information obtained may be taken into consideration in determining the board's procedure.

**Rule 21.** The board of dental examiners recommends that dentists be permitted to carry or publish a professional card and to display a window or street sign at the licensee's place of business.

**Rule 22.** A dentist may place on his professional card or window display a statement that he is limiting his practice. In that event the board recommends that any words, other than the word "Dentist" or "Doctor of Dental Surgery" be confined to the following:

Dentist or Doctor of Dental Surgery.  
Practice Limited to Orthodontia  
Dentist or Doctor of Dental Surgery.  
Practice Limited to Oral Surgery  
Dentist or Doctor of Dental Surgery.  
Practice Limited to Prosthodontia or denture work

Dentist or Doctor of Dental Surgery.

Practice Limited to Periodontia

Dentist or Doctor of Dental Surgery.

Practice Limited to Pediodontia

These being the divisions recognized by the American Dental Association.

And, furthermore, that in the affidavit form prescribed in 153.11 there will be a place provided where the dentist shall make a declaration of his practice limitations if he so states on his professional or window card.

**Rule 23.** The state board of dental examiners interprets a professional card in a newspaper to mean a card one column wide and one inch deep.

**Rule 24.** The board interprets the law to mean that only one outside sign or window sign be permitted, the letters of which shall not exceed six inches in height, wording to be such as set out in Rule 22.

Form No. I. License to dentists.

Form No. II. License to hygienists.

Form No. III. Rating sheet for the examination.

Form No. IV. Dentist's application for examination.

Form No. V. Dentist's application for examination with national board of dental examiners certificates.

Form No. VI. Dental hygienist's application for examination.

Form No. VII. Certification of the names of successful applicants.

**Rule 25.** United States citizenship is required of all applicants who take the examinations of the Iowa state board of dental examiners.

## EMBALMER EXAMINERS

### CARE OF THE DEAD

**1. Duties of Licensed Embalmers.** It should be the duty of every person taking charge of the preparation for burial of the body of any person to ascertain whether such person died of a communicable disease.

**2. Communicable Diseases.** For the purpose of the rules and regulations under this section, the following diseases are classified as communicable and reportable in Iowa:

1. Actinomycosis
2. Anthrax
3. Chickenpox (varicella)
4. Cholera
5. Conjunctivitis, acute infectious (of the newborn, not including trachoma)
6. Dengue
7. Diphtheria
8. Dysentery, amebic (amebiasis)
9. Dysentery, bacillary
10. Encephalitis infectious (lethargic and nonlethargic)
11. Favus
12. German measles (rubella)
13. Glanders
14. Gonorrhoea
15. Hookworm disease (ancylostomiasis)
16. Influenza
17. Leprosy
18. Malaria

19. Measles (rubeola)
20. Meningococcus meningitis (cerebrospinal fever)
21. Mumps (infectious parotitis)
22. Paratyphoid fever
23. Plague, bubonic septicemic, pneumonic
24. Pneumonia, acute lobar
25. Poliomyelitis
26. Psittacosis
27. Puerperal infection (puerperal septicaemia)
28. Rabies
29. Rheumatic fever (acute)
30. Rocky Mountain spotted (or tick) fever
31. Scarlet fever (scarlatina)
32. Septic sore throat
33. Smallpox (variola)
34. Syphilis
35. Tetanus
36. Trachoma
37. Trichinosis
38. Tuberculosis, pulmonary
39. Tuberculosis, other than pulmonary
40. Tularemia
41. Typhoid fever
42. Typhus fever
43. Undulant fever (brucellosis)
44. Whooping cough (pertussis)
45. Yellow fever

### 3. Deaths From Communicable Disease.

Among the diseases listed in section 2 as communicable and reportable, the only conditions requiring special care from the standpoint of the embalmer and of preparation of the body are the following: Anthrax, diphtheria, meningococcus meningitis (cerebrospinal fever), scarlet fever and smallpox.

**4. Licensed Embalmer May Enter Isolation Area.** When death has occurred from any of the diseases listed in section 2, the licensed embalmer is hereby granted permission to enter the isolation area and to perform any and all of his professional duties.

**5. Protection of the Embalmer.** In case of death from one of the diseases named in section 3, the licensed embalmer must observe the following rules:

a. Before handling the body the embalmer and his assistants should be so clothed that their outer garments may afterwards be easily sterilized.

b. Rubber gloves should be worn, in order to minimize the danger of contamination.

c. The body should be washed with an odorless disinfectant, preferably bichloride of mercury, 1-1,000 solution.

d. All garments of the funeral director and his assistants should be dipped in bichloride of mercury for 30 minutes and afterward boiled; they may then be sent to a public laundry.

e. The instruments should be sterilized by boiling.

f. The hands should be washed with soap and water followed by a disinfectant such as rubbing alcohol (70 percent alcohol) or bichloride of mercury, 1-1,000 solution.

g. Clothing of the deceased should be thoroughly disinfected.

h. If the deceased died of any of the diseases mentioned in section 3, and is removed to a funeral home for preparation and embalming, the body must be wrapped in sheets which have been soaked in formaldehyde or bichloride of mercury (1-1,000).

### 6. Preparation of the Body When Death Occurs From a Disease Listed in Section 3.

a. The body of any person who has died of any of the specified diseases shall be prepared by washing with a disinfectant solution, the plugging of all body cavities including the ears, nose, throat, mouth, and rectum with such material as will absorb and retain all abnormal secretions or fluids.

b. In addition to the above-described preparation, the body should receive arterial and cavity injection.

c. The care and preparation of the body should be done entirely in private and no one should be in the preparation or embalming room except the licensed embalmers and their assistants, until the body is fully prepared and dressed.

d. The body will then be placed in a casket and a licensed embalmer should himself close the lid as soon as the body is properly prepared.

e. After the body has been placed in a casket, it should be the duty of the licensed embalmer to see that the body is not handled or moved by any unauthorized person.

f. It shall be unlawful for any person except a licensed embalmer to open a casket that contains the body of any person dead of any of the above-mentioned diseases.

**7. Preparation of the body when death occurs from any other cause than the above specified diseases.** The preparation of the body when death occurs from a noncommunicable disease should be the same as in paragraph "a," "b" and "c" of the preceding section, except that in case of religious objections or impracticability of any nature, specified arterial and cavity injections may be omitted, provided that interment is to be made within the local health jurisdiction where the death occurred and within 48 hours after death. Nothing in this section shall be construed as preventing any school of embalming, recognized by the state Department of Health, from embalming bodies in the presence of their enrolled students.

**8. Method of preparing bodies for shipment to colleges.** Bodies dead of the diseases named in section 3 shall be embalmed. All other cases shipped during warm weather shall have two quarts of embalming fluid injected by means of a cannula inserted into the abdomen and thorax. The dead body is to be shipped so that it will reach its destination within twenty-four hours. All dead bodies (except those named in section 3) shipped to colleges during cold weather should, whenever possible, be sent without embalming.

**9. Standard embalming fluid.** The finished

product shall contain not less than 15 percent of formaldehyde when diluted according to the directions on bottle or package.

**10. Embalming fluids—Poisons.** No embalming fluid or other agent containing arsenic shall be used within the state of Iowa in the embalming or preservation of dead human bodies.

**11. Special rules regulating all mortuaries, funeral homes, and undertaking establishments in the state of Iowa.**

a. The care and preparation of all persons dead of any cause shall be entirely private and no one shall be allowed in the embalming room except the licensed embalmers and their assistants until the body is fully prepared and dressed except by permission of the immediate family.

b. The commissioner of the state Department of Health shall have prepared suitable placards for framing, setting forth this ruling. These placards shall be furnished by the state Department of Health to all licensed embalmers. The licensed embalmer shall have them framed and permanently fastened to all doors of the preparation or embalming rooms. There shall also be one of these framed placards on display in the general office of every undertaking establishment in the state of Iowa.

**12. Depth of Grave.** Except by special permission from the state department of health no interment of any human body shall be made in any public burial ground unless the distance from the top of the box, or any other type of container in which the casket is placed, is at least three feet from the natural surface of the ground. [Amended February 24, 1958 and June 10, 1960]

NOTE: The preceding rule shall not apply when a metal, concrete, or cement vault is used.

#### FUNERALS

Communicable diseases such as diphtheria, scarlet fever and meningitis are regarded as being spread from person to person through transfer of the causative germ (through speech, coughing, sneezing) from the throat of the living, infected individual (patient or carrier) to others who are susceptible.

It is improbable that a dead body plays any part in transmitting disease to people in the same room or building. A possible exception to the foregoing statement might be the body of a patient who had died of smallpox in the severe form; the hazard of exposure in such instance would be limited to the embalmer or person who actually handled the body and who was not known to be immune through successful vaccination and revaccination.

#### *Regulations With Reference to Funerals Are as Follows:*

Recommendations and regulations pertaining to funerals when death is attributed to communicable diseases including anthrax, diphtheria, meningococcus meningitis (cerebrospinal fever), poliomyelitis (infantile paralysis), scarlet fever and smallpox, are as follows:

1. In consideration of the fact that a dead body ordinarily plays no part in the spread of infection or of communicable disease, a hermetically sealed casket should not be required.

2. Persons who have been in the isolated area may be released from isolation for the purpose of accompanying the body to a funeral home, church or cemetery, provided that they:

a. Use a separate car or means of conveyance;

b. Remain in separate room or separate from the public and avoid nearness to others in attendance;

c. Return to the area of isolation and remain there until premises are released from isolation.

3. When death is caused by meningitis of above-mentioned type, scarlet fever, diphtheria, poliomyelitis, or smallpox, the casket should remain closed when service is held indoors.

a. Special arrangements may be made for members and relatives of the immediate family to view the remains prior to the funeral service.

#### UNCLAIMED BODIES FOR SCIENTIFIC USE

##### 1. When Is Body Unclaimed?

a. If the deceased did not express a desire that his body be buried or cremated.

b. If relatives or friends of the deceased did not request that he be buried or cremated.

2. **Expenses by Relatives.** When relatives such as father, mother or children, who are financially able, request body to be buried or cremated they should pay expenses for burial or cremation.

3. **Obtaining County Relief.** When relatives request burial or cremation and are not financially able to pay the expense then same should be paid out of the poor funds of the county, provided, of course, that application was made by said relatives in the same manner as in cases for relief for the support of the poor.

4. **Expenses by Friend.** When friends of the deceased request burial or cremation, they either have to pay expenses or make application in the same manner as is made for the support of the poor.

5. **Friend Distinguished From Casual Acquaintance.** Friend should be construed to mean one who has been more or less closely associated with the deceased during his lifetime as distinguished from one who was only a casual friend or acquaintance.

6. **Delivery of Bodies for Scientific Purposes.** Every coroner, funeral director, and managing officer of every public asylum, hospital, county home, penitentiary or reformatory, as soon as any dead body shall come into his custody, which is unclaimed and may be used for scientific purposes, shall at once notify the state Department of Health.

NOTE: The above rule does not relieve the funeral director of the responsibility of trying

to locate the nearest relatives or friends of the deceased.

**7. Department Instructions.** When the department receives the notice, you will be instructed as to disposition of the body. If body is consigned to the State University Medical College, Iowa City, or to Des Moines Still College, Des Moines, you should immediately notify them to send you a shipping case.

**8. Expenses Incurred by Funeral Director.** The necessary expenses, such as telephone calls, telegrams, and shipping expenses, shall be paid by the college. Persons preparing body to ship will expect to receive a reasonable fee for their services, the fees to be paid by the college receiving the body.

#### DISINTERMENT

**1. Permits Requested in All Cases.** No person shall disinter the dead body of a human being unless he is in possession of a written permit issued by the state Department of Health or by an order of the district court of the county in which the body is buried. All applications must be made upon the proper blank forms provided by the state Department of Health and must in all cases be signed by the next of kin of the deceased.

#### **2. Rules and Regulations — Disinterment Permit.**

a. Permit to disinter will be issued only to a licensed embalmer, and then disinterment must in all cases be done under his personal supervision.

b. A separate application must be made for every body.

c. Names of persons and places must be written plainly so that no mistake can be made in the permit.

d. These applications for permits will be furnished on request from the state Department of Health.

e. Licensed embalmers will save delay and trouble in the removal of bodies by strictly conforming to these instructions.

f. Errors or omissions will necessitate returning the application for correction.

g. No permit is necessary to remove a body from any mausoleum, public or private receiving vault for burial in the same cemetery.

**3. Delivery of Disinterment Permit.** The licensed embalmer shall deliver the disinterment permit to the person in charge of the cemetery before disinterring any body therein. When a body is to be moved from one cemetery to another the lower half of the permit is turned over to the sexton in charge of the cemetery in which the body is to be interred. If disinterment or reinterment takes place in the same cemetery sexton retains the entire permit. If disinterred body is to be shipped by common carrier to a place outside of Iowa, only the upper half of the permit is furnished by the state Department of Health as the department cannot authorize a burial in a place over which it has no jurisdiction. In such cases it will be necessary to use a regular transportation of corpse permit.

**4. Removal of Body from Funeral Home or Repository.** Whenever a body is placed in a repository in a funeral home which is to be removed later for burial, a disinterment permit is to be obtained before the body is moved.

#### TRANSPORTATION OF DEAD

**1.** All dead bodies except those addressed to the anatomical department of any institution in this state must be embalmed before shipment.

**2.** A copy of the original death certificate on the standard certificate of death form, signed by the attending physician, permit of local board of health or registrar, and a transit label signed by the shipping funeral director, and initial baggage agent, printed on strong paper, supplied through the state Department of Health, shall be required for the transportation by common carrier of bodies of persons dying in this state. The death certificate shall contain such information as is required in the standard form of death certificate if obtainable. The health officer's or registrar's permit shall authorize the transportation of the body of the person described in the physician's certificate. The shipping funeral director shall state on the shipping label how the body is prepared, and the local baggage agent shall state thereon the route, name and address of escort.

The physician's and health officer's or registrar's permit shall be given the escort, to be delivered with the body at destination. The shipping label shall be securely attached to the outside case. If the body is sent by express, the physician's certificate and the permit shall be attached to the express waybill and declared with the body at the destination, and the shipping label shall be attached to the outside case.

**NOTE:** If a body has been buried for twenty years and over and it is to be disinterred and shipped, see your local baggage agent as to rates of shipment. It is the understanding of the department that in many cases money may be saved if body is shipped as first class merchandise.

**3.** The transportation of bodies dead of diseases mentioned in section 3 shall be thoroughly embalmed with an approved disinfectant fluid, all orifices shall be closed with absorbent cotton, the body shall be washed with a disinfectant fluid, enveloped in a sheet saturated with the same, and placed at once in the casket, which shall be immediately closed.

**4.** No disinterred body, dead from any disease or cause, shall be transported by common carriers, unless approved by health authorities having jurisdiction at the place of disinterment, and a transit permit and transit label shall be required as provided in rule 2.

**5.** The outside case may be omitted in all instances when the body is transported in funeral director's service vehicle.

**6.** Every outside case shall bear at least four handles, and when over five feet six inches in length shall bear six handles.

**7.** An approved disinfectant fluid shall con-

tain not less than five percent formaldehyde gas; the term embalming as employed in these rules shall require the injection by a licensed embalmer of not less than ten percent of the body weight for bodies of persons dead of disease, in rule 3, injected arterially, in addition to cavity injection; not less than six percent of the body weight injected arterially in all other cases, in addition to cavity injection, and ten hours shall elapse between the time of embalming and the shipment of the body.

8. The attached form of death certificate, health officer's or registrar's permit, and label as described herein, with these rules printed thereon, shall be used in this state for shipment of bodies as herein provided.

9. The use of the combination ambulance hearse is approved by the state Department of Health, provided it is operated in accordance with the rules and regulations of the local health officer.

10. Burial of Ashes. The ashes of a cremated body shipped into this state shall be handled in the same manner as other shipped-in bodies.

The ashes of a cremated body shipped from points within the state shall be handled in the same manner as other bodies.

11. Burial of Several Bodies in Same Grave. By law each cemetery board or association has the power to make rules and regulations governing the control and operation of the cemetery or cemeteries under their jurisdiction. They may by rule or regulation permit or prohibit such burials.

12. Bodies Shipped to Foreign Countries. Whenever a body is to be shipped to a foreign country it is necessary for the licensed embalmer to wire the official representative of the respective country at the port of embarkation asking for permission to ship the body. The name of deceased, date of death and cause of death must be stated. When authority is received, another wire is sent furnishing name of deceased, date of death, cause of death, time of departure from shipping point, approximate time of arrival at port and railroad over which the body is being transported. The name of the boat on which body is to be shipped should also be stated, if known.

13. Any violation of this act shall be deemed a misdemeanor.

#### PART 5

### IOWA STATE BOARD OF FUNERAL DIRECTORS AND EMBALMER EXAMINERS

#### A. Registration

1. Any person desiring to enter either the Funeral Directing or Embalming Profession shall be required to appear before the Board of Funeral Directors and Embalmer Examiners for a personal interview and registration, prior to entering a College of Mortuary Science, approved by the Iowa State Board of Funeral Directors and Embalmer Examiners. This interview to take place at a regular board meeting at the offices of the State Department

of Health in Des Moines, Iowa. After the applicant has been approved by the board and the required registration fee of \$5.00 has been paid to the State Department of Health, a Certificate of Registration will be issued to the applicant.

2. All certificates of registration for Funeral Directing or Embalming will expire one year from date of issuance of the certificate by the State Department of Health. Re-registration, which must be consecutive and limited to one year only, may be granted by special approval of the Board of Funeral Directors and Embalmer Examiners.

3. Premortuary College Educational Requirements. One academic year, of thirty-six weeks or a minimum of thirty semester hours, of instruction in a recognized college, Junior College, or University, in a course of study approved by the Board; or have equivalent education as defined by the board. After September 1, 1955, have completed two academic years of thirty-six weeks each or a minimum of sixty semester hours of instruction in a recognized college, Junior College, or University, in a course approved by the Board or have equivalent education as defined by the Board.

#### B. Examinations

1. All applications for examination must be made upon the official forms supplied by the State Department of Health, Statehouse, Des Moines, Iowa.

2. These blanks, properly filled in, shall be filed with the State Department of Health, together with satisfactory evidence of the required educational ability. The examination fee of \$10.00 must be enclosed with the application, and such fee and application must be filed with the State Department of Health at least fifteen days prior to the date of examination.

3. Applicants must present a diploma and transcript of grades to the State Department of Health with their application, showing the completion of training in a College of Mortuary Science, approved by the Iowa State Board of Funeral Directors and Embalmer Examiners. (Photostatic copies of the diploma and transcript of grades will be accepted.)

4. Before commencing the examination, each applicant will be given a confidential number, which he shall inscribe at the upper left-hand corner of each page of manuscript, and no other marks shall be placed on any paper whereby the identity of the candidate may become known.

5. The examination shall consist of three sections: Embalmers:

Section A—Written examinations, which shall consist of an adequate number of questions as prepared by the Board of Funeral Directors and Embalmer Examiners on required subjects.

Section B—Oral examination, which shall be given in proper manner by the members of the Board.

Section C—Practical examination, which



shall consist of demonstration and operative technique on a dead human body as directed. Restoration, cosmetic effect, lighting, casketing, and such other procedures as members of the Board of Funeral Directors and Embalmer Examiners may feel necessary.

6. Funeral Directors Examination shall consist of two sections:

Section A—Written examinations, which shall consist of an adequate number of questions as prepared by the Board of Funeral Directors and Embalmer Examiners on required subjects.

Section B—Oral examination, which shall be given in proper manner by the members of the board.

7. Applicants shall be examined in such subjects as the Board of Funeral Directors and Embalmer Examiners shall prescribe, which shall include the following:

Section A—EMBALMERS. The examination shall include the subjects of anatomy, practical embalming, restorative art, sanitation, public health, business ethics, and such other subjects as the board may designate and the laws of the state of Iowa and rules and regulations relating to communicable diseases, quarantine and causes of death.

Section B—FUNERAL DIRECTORS. The examination shall include the subjects of funeral directing, burial or other disposition of dead human bodies, sanitary science, public health, transportation, business ethics, and such other subjects as the Board may designate and the laws of the state of Iowa and rules and regulations relating to communicable diseases, quarantine and causes of death.

8. A certificate will not be granted to an applicant who falls below seventy-five percent in any one subject, which must be retaken at the next regularly scheduled examination. Should the applicant fall below seventy-five percent in more than two subjects, he will be required to rewrite all subjects at the next examination.

9. An applicant failing in his first examination shall be entitled to a second examination without filing a new application or payment of fee. The student must be seated, under this arrangement, at the next regular examination immediately following the failure.

10. An applicant detected seeking or giving help during the hours of examination will be dismissed and his papers canceled but he will be entitled to return for examination within fourteen months.

11. The written examination is counted as three-fifths of the resultant, the oral as one-fifth, and the practical as one-fifth, of the final tabulation.

12. At the conclusion of the examination each candidate will be required to swear to the following by affixing his signature:

Declaration of Honorable Conduct in Taking Examination.

We, the undersigned, each and severally declare that we are applicants for certificate

from the Iowa State Department of Health, as certified to it by the State Board of Funeral Directors and Embalmer Examiners, authorizing us to practice Funeral Directing and Embalming in Iowa, and that we were present and took the examination held in Des Moines, Iowa, ....., 19...

We further declare upon honor that during said examination we neither received nor extended aid to others nor resorted to any unfair means whatsoever to secure the required ratings to enable us to pass.

We further declare that we did not see any of the questions used at this examination until they were handed out by the examiners.

13. A list of accredited schools of Mortuary Science, approved by the Board of Funeral Directors and Embalmer Examiners shall be furnished the Director of Licensure and Registration, State Department of Health, Des Moines, Iowa, at their first regular meeting after July 1, each year.

### C. Studentship

Class A. Embalming:

Section A—The applicant must serve a minimum of one additional year of studentship under the direct supervision of a licensed embalmer in good standing in the State of Iowa.

Section B—The applicant shall during this studentship, Arterially Embalm not less than twenty-five human bodies, under the direct supervision of his preceptor and report on blanks furnished by the State Department to the Secretary of the Board Quarterly.

Section C—Before being eligible to take the practical portion of the Embalmers Examination, he must have filed his twenty-five completed case reports with the Secretary of the Board.

Class A. Funeral Directors:

Section A—The applicant must serve a minimum of one additional year of studentship under the direct supervision of a licensed Funeral Director in good standing in the state of Iowa.

Section B—The applicant shall during this studentship, direct or assist in the direction of not less than twenty-five funerals under the direct supervision of his preceptor and report on blanks furnished by the state Department of Health to the Secretary of the Board Quarterly.

The course of studentship required under these regulations for Embalmers and Funeral Directors may be taken concurrently.

No licensed embalmer shall permit any person in his employ or under his supervision or control to serve him as a student in embalming or funeral directing unless that person has a certificate of registration as a registered student, from the state Department of Health.

No licensed embalmer or funeral director or firm of embalmers or funeral directors shall have more than one (1) student embalmer or student funeral director for the first 100 bodies embalmed or funerals conducted per

year, and with a maximum of two students per firm.

No registered student shall advertise or hold himself out as a registered embalmer or funeral director or use the degree L.E. or F.D. or any other title or abbreviation indicating that he is an embalmer, or funeral director.

Every person who is registered as a student with the state Department of Health shall have his certificate or registration posted in a conspicuous place in his preceptor's place of business.

Studentship begins upon approval and due notification by the board. Notice of termination of service; application for change of preceptor; and any other alteration must be made in writing and approval granted by the board before the status of the student is altered.

When, for any valid reason, the Board of Funeral Directors and Embalmer Examiners feel that the education of a registered student being received under the supervision of his present preceptor, might be detrimental to the student and/or the profession at large, such student will be required to serve the remainder of his studentship under the supervision of a licensed embalmer or funeral director meeting the approval of the board.

#### D. Reciprocity Rules

1. All applications for reciprocity licenses shall be made on the official forms supplied by the state Department of Health, Statehouse, Des Moines, Iowa.

2. All applicants for reciprocity licenses will be required to pass the oral and practical examination before this board.

3. The application form properly filled in, accompanied by (a) a fee of twenty dollars (b) the state licensing certificate (or a duplicate copy of same) of the state from which applicant desires to reciprocate and (c) the mortuary college diploma or in lieu thereof a certified statement from the authorities of the mortuary college regarding the issuance of the diploma and the date of same, shall be filed with the state Department of Health at least fifteen days prior to date of examination or board meeting.

4. All applicants for reciprocity licenses must hold original license obtained upon examination in the state from which they reciprocate. Such examination shall have covered substantially the same subjects in which an examination is required in Iowa, showing the applicant has attained a general average of 75 percent or above.

5. Each applicant must furnish certified evidence of five or more years of actual practice in the state from which he desires to reciprocate, immediately preceding the filing of his application for reciprocity and must be vouched for by the Board of Funeral Directors and Embalmer Examiners of this state. Applicant will also be required to give good sufficient reasons for desiring license by reciprocity.

6. An applicant holding an original license

for less than five years from a state which has entered into a special agreement with the state of Iowa, and who has met all educational requirements of the state of Iowa, may be seated to take the entire examination upon approval of application by his state board and the Iowa Board of Funeral Directors and Embalmer Examiners.

7. The statements made in the application must be reviewed and verified by the secretary of the State Examining Board or authorized persons issuing the original certificate, who will also certify under seal, as to the schedule of subjects in which the applicant was examined, and the ratings given thereon and the general average attained.

8. An applicant who has taken two (2) or more examinations before this board and failed to attain at either a general average of 75 percent, and has subsequently obtained a certificate from an examining board of another state, shall not be eligible for admission to this state under reciprocal agreements existing with such state until five years from the date of his last examination by this board, and in all cases the Iowa State Board of Funeral Directors and Embalmer Examiners reserves the right to review the examination papers and ratings upon which said certificate was granted, before accepting the same. The same privilege is hereby accorded the examining boards of the states with which the Iowa board reciprocates.

#### E. Reinstatement

Reinstatement may be obtained without examination. Application to be made to the State Department of Health on the proper blank. All applications must have the approval of the State Board of Funeral Directors and Embalmer Examiners.

#### F. Code of Ethics

Adopted by the Iowa State Board of Funeral Directors and Embalmer Examiners meeting in executive session at the Statehouse, Des Moines.

Editor's Note: Copies may be obtained by addressing the board at the Statehouse, Des Moines, Iowa.

#### RESOLUTION BY

##### IOWA STATE BOARD OF EMBALMER EXAMINERS

The Iowa State Board of Embalmer Examiners, meeting in executive session at the offices of the Iowa State Department of Health on the 19th day of October, 1944, considered the manner by which schools of embalming throughout the United States could be evaluated for approval by the Iowa Board, and following a thorough discussion and consideration of the matter, adopted the following resolution:

WHEREAS, the Iowa State Board of Embalmer Examiners feels, it is its duty under the laws of this state, to permit students who have complied with Iowa Studentship requirements and have graduated and received a diploma from a recognized college of mortuary science, the opportunity of taking the Iowa State Board Examination, and

WHEREAS, the Iowa Board being mindful of its obligation under statutory provisions, to accredit such schools of mortuary science that show reasonable evidence of financial stability and maintain proper equipment and facilities for teaching courses in mortuary science, and

WHEREAS, the Iowa Board cannot, under existing laws, accept an applicant for examination who has not received his diploma from a school of embalming accredited by the Iowa Board, and

WHEREAS, the members of the three-man Iowa Board, due to stress of their own private business, are unable to make extended visits to all parts of the country where embalming schools may be located, and further, feeling that their evaluation of any school in embalming for the purpose of accreditation, would not constitute a true and correct evaluation, and

WHEREAS, numerous other states have constituted The Accreditation Committee of the Conference of Funeral Service Examining Boards of the United States, Inc., as their agency for evaluating Schools of Embalming, and

WHEREAS, The Accreditation Committee of the Conference of Funeral Service Examining Boards of the United States, Inc., is the recognized accreditation agency, by which

schools of mortuary science throughout the United States are evaluated,

NOW, THEREFORE, BE IT RESOLVED, that the Iowa Board of Embalmer Examiners designate the Accreditation Committee of the Conference of Funeral Service Examining Boards of the United States, Inc., as their agency for making evaluation of embalming schools wherever located and do hereby adopt the General Regulations governing Conference Approval of Schools or Colleges of Mortuary Science, as revised at Cincinnati, Ohio, in Convention, September, 1944, including their Rules and Regulations governing a school or college of mortuary science having a nine-month curriculum, all of which is attached hereto and made a part hereof. Further, the Iowa Board of Embalmer Examiners hereby resolves to accept the grading and accreditation report made on any school of embalming in the United States, based on findings made by The Accreditation Committee of the Conference of Funeral Examining Boards of the United States, Inc., and only such schools or colleges of embalming showing evidence of financial stability and maintenance of proper equipment and facilities for teaching courses in mortuary science and so recommended by The Accreditation Committee of the Conference of Funeral Service Examining Boards of the United States, Inc., will be approved by the Iowa State Board of Embalmer Examiners.

## MEDICAL EXAMINERS

[Filed November 20, 1951; amended May 13, 1964]

### CHAPTER 1

#### BOARD OF MEDICAL EXAMINERS

(Medicine and Surgery, Osteopathy and Osteopathic Medicine and Surgery)

#### 1.1 (146, 147, 148, 150) General Requirements.

Each applicant for a license shall comply with the following requirements:

1.1 (1) He shall submit a completed application form with attached recent photograph accompanied by statutory fee.

a. Statements made in the said application shall be subscribed and sworn to by the applicant and attested under seal by a notary public.

1.1 (2) He must be a citizen of the United States, or have legally declared his intention of becoming a citizen of the United States.

1.1 (3) He must furnish evidence of good moral character by:

a. Providing the names of references as to his moral character and professional standing.

b. Presenting a photostatic copy of discharge papers, if the applicant has been in the military service at any time.

c. Answering the questions in application as to whether or not the applicant has ever been convicted of an indictable misdemeanor, felony, or violation of any state or federal narcotic Act.

1.1 (4) Present a photostatic copy of a cer-

tificate of proficiency in the basic sciences issued to him by the state board of examiners in the basic sciences. This requirement is not applicable to resident physician's licenses or temporary licenses.

1.1 (5) Present a photostatic copy of a diploma granting the degree Doctor of Medicine and Surgery or Osteopathic Medicine and Surgery or its equivalent issued to the applicant by a school or college of medicine and surgery or osteopathic medicine and surgery approved by the board of medical examiners.

a. The list of approved schools or colleges of medicine prepared by the Council on Medical Education and Hospitals of the American Medical Association and the Association of American Medical Colleges, and the list of colleges of osteopathic medicine and surgery, prepared by the American Osteopathic Association are accepted. However, such acceptance shall not apply to a diploma granted by an approved college of medicine and surgery or osteopathic medicine and surgery if the applicant did not complete his academic training at said approved college.

b. The medical examiners may accept in lieu of a diploma from a medical college approved by them, all of the following:

(1) A diploma issued by a medical college which has been neither approved nor disapproved by the medical examiners; and

(2) The completion of three years of training as a resident physician which training has

either been approved by or is acceptable to the medical examiners; and

(3) The recommendation of the Educational Council for Foreign Medical Graduates.

**1.1 (6)** He shall present a photostatic copy of a certificate indicating the completion of an internship in a hospital approved by the Iowa board of medical examiners.

*a.* The lists of hospitals approved for intern training in the United States and Canada, prepared by the Council on Medical Education and Hospitals of the American Medical Association and the Committee on Hospitals of the American Osteopathic Association, are accepted.

**1.1 (7)** He must satisfactorily complete a state or national board examination.

*a.* Present a photostatic copy of a state license or national board certificate obtained by him as a result of such examination.

**1.1 (8)** Each application must include a record of the number and date each license issued, the manner in which such license or licenses was obtained, and a statement as to whether or not any license so issued has ever been suspended or revoked.

**1.1 (9)** Each application shall include a chronologic statement as to all the places where the candidate has practiced, type of practice engaged in and the period of time so engaged.

**1.1 (10)** Any candidate applying for licensure shall be required to appear for a personal interview before the board or before a member thereof, unless waived by the board.

This rule is intended to implement sections 147.29, 147.50, 148.3, 147.3, 146.4, 147.40, 148.4 and 150A.3.

## **1.2 (147) Rules for Conducting Examinations.**

**1.2 (1)** The application accompanied by a fee of fifty dollars must be on file at least fifteen days before the date of examination.

**1.2 (2)** The board of medical examiners may require written, oral and practical examinations of any applicant, but ordinarily applicants who pass the written examination will be excused from oral or practical examination.

**1.2 (3)** The following is the schedule of subjects in which examinations are required:

Anatomy, Including Histology and Embryology

Chemistry

Materia Medica, Pharmacology and Therapeutics

Medicine, Including Psychiatry

Obstetrics and Gynecology

Pathology and Bacteriology

Pediatrics

Physiology

Public Health, Hygiene, Medical Jurisprudence

Surgery Including Orthopedics, Urology, Eye, Ear, Nose and Throat

Two hours will be allowed for each examination.

**1.2 (4)** A general average of not less than 75 percent will be required to pass, but no

license will be granted to an applicant whose grade is below seventy percent in any one subject.

*a.* Any candidate who fails in his examination shall be entitled to take a second examination without further fee or application at any time within fourteen months after the first examination. The candidate shall be required to repeat the entire examination in his second examination.

*b.* Thereafter, the candidate will be required to file a new application with fee of fifty dollars and take the entire examination.

**1.2 (5)** A senior student expecting to graduate from an approved college of medicine and surgery or osteopathic medicine and surgery may be admitted to the examination upon presentation of a statement from the Dean of his college certifying his good standing; but his license will not be granted until he has furnished proof of graduation and satisfactory completion of his internship.

**1.2 (6)** A student who has completed the first two years of study in a college approved by the board may be admitted to the examination in anatomy, chemistry, physiology, pathology and bacteriology, providing he:

*a.* Files with his application a certificate of good standing from the Dean of said college.

*b.* Presents a photostatic copy of a certificate of proficiency in the basic sciences issued by the state board of examiners in the basic sciences.

*c.* Pays a fee of twenty-five dollars to the board of medical examiners which fee shall not be returnable nor entitle said applicant to additional examinations, but after graduation applicant will be required to pay twenty-five dollars only for the final examination.

In each instance wherein the candidate attains a general average of seventy-five percent in said examination, the ratings attained shall be credited upon his final examination after graduation. However, if the candidate receives a grade below seventy percent in any one subject, he shall be deemed to have failed the partial examination and said candidate will be required to repeat all of the partial examination subjects at the time he takes the entire examination following graduation from his professional school.

**1.2 (7)** No candidate shall under any circumstances enter the examinations more than thirty minutes late unless excused by the board or a member thereof, and no candidate shall leave the room within thirty minutes after distribution of the examination papers. All time lost by being absent shall be included in the time allotted to the examination of that particular subject.

**1.2 (8)** Candidates will not be permitted to communicate with each other during examination, or to have in their possession help of any kind. Any applicant who violates this requirement will be dismissed and deemed to have failed the entire examination.

**1.2 (9)** All examinations shall be written legibly in English with pen and ink on examination paper provided by the board.

**1.2 (10)** Each applicant will be given a confidential number which he shall inscribe at the top center of each page of his examination; no other marks shall be placed on any paper whereby the identity of the candidate may become known. The pages are to be numbered in the upper right-hand corner.

**1.2 (11)** Handwriting must be legible. Punctuation, grammar, and general appearance of examination papers will be considered in grading papers.

This rule is intended to implement sections 147.29, 147.80, 148.3, 147.36, 147.81, 147.41 and 150A.3.

**1.3 (147, 148) License by Reciprocity or Interstate Endorsement.**

**1.3 (1)** The fee is one hundred dollars.

**1.3 (2)** A license to practice medicine and surgery or osteopathy or osteopathic medicine and surgery by reciprocity or by endorsement may be issued on the basis of a written examination in substantially all of the subjects required by this board given by a state examining board having reciprocal relations with the Iowa board, provided that the applicant meets all other requirements for licensure in this state.

**1.3 (3)** If any state with which this state reciprocates places any limitations or restrictions upon licentiates of this state, the same limitations or restrictions may be imposed upon licentiates of such state applying for admission to practice in this state on the basis of reciprocity or endorsement.

**1.3 (4)** The statements made in the application must be reviewed and verified by the state examining board issuing the original license certifying under Seal as to the subjects in which the applicant was examined, the grade obtained in each subject and the general average attained in the entire examination.

*a.* If the examination failed to include one or more of the subjects required by the board of medical examiners, the applicant may be required to take a supplemental examination in the subjects omitted, and the grades attained thereon shall be added to those of his former examination in order to determine the general average.

**1.3 (5)** No reciprocal license or license by endorsement shall be issued to any applicant who has previously failed an examination in this state. However, he may apply for licensure by examination.

**1.3 (6)** In all cases the board of medical examiners reserves the right to review the examination papers and grades upon which reciprocal or indorsement certification may be granted before accepting the same.

**1.3 (7)** No reciprocal license or license by indorsement shall be issued except on the basis of a license received by examination, and the applicant must have completed at least one year of practice in the state from which he

applies or other practice or training deemed by the board to be the equivalent thereof.

**1.3 (8)** (147.47, 148.3, 150A.3) The board may require written, oral or a practical examination of an applicant for licensure by reciprocity or indorsement.

This rule is intended to implement sections 147.80, 147.49, 147.53, 147.46, 147.104, 147.51, 147.47, 148.3 and 150A.3.

**1.4 (147, 148) License by Indorsement of National Board Certificate.**

**1.4 (1)** The rules listed under the title "Licensure by Reciprocity Agreement or Interstate Indorsement" shall apply to all candidates for licensure by indorsement of national board credentials.

**1.4 (2)** The certificate of examination granted by the National Board of Medical Examiners or the National Board of Osteopathic Examiners of the United States of America may be accepted in lieu of the examination required for licensure in Iowa.

**1.4 (3)** A license to practice medicine and surgery or osteopathic medicine and surgery, issued by the duly constituted authority of another state, territory or foreign country, may be accepted in lieu of the examination required for licensure in this state.

This rule is intended to implement sections 147.80, 147.49, 147.53, 147.104, 147.51, 147.47, 148.3 and 150A.7.

**1.5 (148) License to Practice as a Resident Physician.**

**1.5 (1)** Limited licenses to practice medicine and surgery in hospitals as resident physicians only are granted on the basis of examination or indorsement for a period of one year, renewable for six additional years at a fee of three dollars annually on the 1st day of July following the date of issuance of such license.

**1.5 (2)** Each applicant shall:

*a.* Submit a completed application form with attached photograph accompanied by a fee of fifteen dollars.

*b.* Present a photostatic copy of a diploma issued by a school of medicine or college of medicine approved by the board of medical examiners.

*c.* Present a photostatic copy of a certificate indicating the completion of one year of internship in a hospital approved by the board of medical examiners.

*d.* Be a citizen of the United States or have legally declared intention of becoming a citizen of the United States.

(1) The board may waive this requirement for foreign graduates, here for training and study only, who are properly admitted under visas of the state department of the United States.

**1.5 (3)** Candidates may be required to satisfactorily complete an examination prescribed by the board.

*a.* The board may require written, oral or practical examination.

b. In any case, the board may require the candidate to appear for a personal interview before either the board or a member thereof.

c. Grades received in a state licensure or national board examination may be accepted in lieu of a written examination conducted by this board, in which instance:

(1) The applicant must furnish a photostatic copy of an original certificate of license or national board certificate obtained as a result of such examination.

(2) The statements made in the application must be reviewed and verified by the examining board issuing the original certificate, who will also certify, under seal, as to the schedule of subjects in which the applicant was examined, the grades given thereon and the general average attained.

This rule is intended to implement section 148.5, line - 20, sentences 5 and 6.

#### 1.6 (148) Temporary Licensure.

1.6 (1) Temporary licenses may be granted on the basis of examination or indorsement for a period not to exceed one year.

1.6 (2) Each applicant shall:

a. Submit a completed application form with attached photograph accompanied by a fee of twenty-five dollars.

b. Present a photostatic copy of a diploma issued by a school or college of medicine and surgery or osteopathic medicine and surgery approved by the board of medical examiners.

c. Present a photostatic copy of a certificate indicating the completion of one year of internship in a hospital approved by the board of medical examiners.

d. Be a citizen of the United States or have legally declared intention of becoming a citizen of the United States.

(1) The board may waive this requirement of foreign physicians, here for teaching or training and study only, who are properly admitted under visas of the state department of the United States.

e. Furnish an affidavit from a licensed physician or the Dean of an approved college in this state setting forth facts supporting the need that exists for the issuance of said license.

1.6 (3) (148.10) Candidates may be required to satisfactorily complete an examination prescribed by the board.

a. The board may require written, oral or practical examinations.

b. In any case, the board may require the candidate to appear for a personal interview before either the board or a member thereof.

c. Grades received in a license examination before the duly constituted authority of another state, territory, foreign country or before the national board of medical examiners or national board of osteopathic examiners may be accepted in lieu of a written examination conducted by this board, in which instance:

(1) The applicant must furnish a photo-

static copy of his national board certificate or an original certificate of license obtained as a result of such examination.

(2) The statements made in the application must be reviewed and verified by the examining board issuing the original certificate, who will also certify, under seal, as to the schedule of subjects in which the applicant was examined, the grades given thereon and the general average attained.

#### 1.7 (150A) Major Surgery Requirement for Osteopathic Physician.

1.7 (1) An acceptable one-year-post-graduate course in the subject of surgery prescribed by this board, shall consist and be comprised of the following: Pathology, surgical diagnosis and technique, roentgenology, surgical anatomy, neuro-anatomy, bio-chemistry, physiology, pharmacology and anesthesiology; together with one elective subject offered in the college's program of post-graduate education; or, a one-year residency involving a thorough and intensive study of the practice of surgery, in an affiliated teaching hospital of an approved osteopathic college, such residency being approved by the bureau of hospitals and board of trustees of the American Osteopathic Association and the board of medical examiners.

This rule is intended to implement section 150A.3.

[Filed May 13, 1964]

#### OPTOMETRY EXAMINERS

##### EXAMINATIONS

1. All applicants for examination shall apply to the State Department of Health for blank applications.

2. These blanks properly filled in shall be filed with the State Department of Health, together with satisfactory evidence of a preliminary education equivalent to at least four years' study in an accredited high school or other secondary school. (Note: If the applicant has not attended an accredited high school or other secondary school for a period of four years, he must pass a satisfactory examination before the principal of an accredited high school or the superintendent of public instruction, and file a certificate thus obtained with his application.) Diploma from an accredited school of optometry and fee of twenty dollars, at least fifteen days prior to date of examination.

3. Before commencing the examination each applicant will be given a confidential number which he shall inscribe at the upper left-hand corner of each page of manuscript; no other marks shall be placed on any paper whereby the identity of the candidate may become known.

4. All theoretical examinations shall be in writing and in the English language, and shall be written with pen and ink. (Applicants should bring a fountain pen.)

5. Following is the schedule of subjects for examination:

Section 1: Anatomy, Physiology, Pathology of the Eye and Ocular Symptomatology . . . . .	20 questions	100%
Section 2: Theoretic Optometry (Physiologic Optics) and Practical Optometry . . . . .	20 questions	100%
Section 3: Optical Physics (Theoretic Optics) and Practical Optics (Mechanical Optics) . . . . .	20 questions	100%
Total . . . . .	60 questions	
Section 4: Oral examination . . . . .		100%

6. A general average of not less than seventy-five percent of correct answers shall be required to pass, but no certificate will be granted to an applicant who falls below sixty-five percent in any one paper.

7. Any applicant failing in his first examination shall be entitled to a second examination within fourteen months after the first examination without filing a new application or fee.

8. Any applicant detected in seeking or giving help during the hours of examination will be dismissed and his papers canceled, but he will be entitled to return for examination within fourteen months.

9. Questions will be prepared and answers rated by the members of the board to whom the subjects have been assigned.

10. The oral examination will be given as soon as possible after the written examinations have been completed.

#### INTERSTATE ENDORSEMENT — RECIPROCITY

[Filed July 14, 1964]

##### 1.1 (147) Reciprocal Agreements.

1.1 (1) That all reciprocal agreements heretofore adopted and in force between this board and other state licensing boards be canceled as of January 1, 1965, and that all state licensure boards be so notified.

1.1 (2) That applicants for licensure to practice optometry in the state of Iowa, who are licensed by examination by any other state licensing board, maintaining equal practice privileges, be considered on an individual basis.

1.1 (3) That a license may be granted by the Iowa board of optometry examiners without an examination, or as much examination as may be required to establish proficiency and desirability to any such applicant, who, at the date of the original license issued, fully conformed to the educational and licensure requirements of said board of optometry examiners in Iowa.

This rule is intended to implement sections 44, 45, and 53, chapter 147.

#### ADMISSION—RECIPROCITY

1. All applications for reciprocity shall be made on the official forms supplied by the State Department of Health, Statehouse, Des Moines, Iowa.

2. The application forms properly filled in, accompanied by (a) a fee of forty dollars (\$40), (b) the state licensing certificate (or a dupli-

cate copy of same) of the state from which applicant desires to reciprocate, and (c) the optometry college diploma or in lieu thereof a certified statement from the authorities of the optometry college, regarding the issuance of the diploma and the date of same, shall be filed with the State Department of Health, at least fifteen (15) days prior to date of examination or board meeting.

3. Each applicant must furnish certified evidence of three or more years' practice in the state from which he desires to reciprocate, immediately preceding the filing of his application for reciprocity.

4. The statements made in the application must be reviewed and verified by the secretary of the State Examining Board issuing the original certificate, who will also certify under seal as to the schedule of subjects in which the applicant was examined, and the rating given thereon and the general average attained.

If the examination failed to include one or more of the subjects required by the Iowa board, the applicant may be required to take a supplementary examination before this board in the subjects omitted, and the ratings awarded thereon shall be added to those of his former examination in order to determine his general average.

5. Each applicant will be required to make, on the application form, a sworn statement of the number and date of each examination taken by him prior to his application to this board, together with the ratings obtained thereon at each; also a statement as to all the places where he has practiced, the character of practice engaged in (general, special or itinerant), and the length of time so engaged in each, and whether or not any certificate issued to him has ever been suspended or revoked.

6. All applicants for reciprocity licenses are required to appear before this board for a practical examination.

7. An applicant who has taken two (2) or more examinations before this board and failed to attain at either a general average of seventy-five percent, and subsequently obtained a certificate from an examining board of another state, shall not be eligible for admission to this state under reciprocal agreements existing with such other state until after one year from the date of his last examination by this board, and in all cases the Iowa State Board of Optometry Examiners reserves the right to review the examination papers and ratings upon which said certificate was granted, before accepting the same. The same privilege is hereby accorded to the examining board of the state with which the Iowa board reciprocates.

#### RESOLUTION ADOPTED BY IOWA STATE BOARD OF OPTOMETRY EXAMINERS

The following are deemed to constitute unprofessional conduct and/or untruthful or improbable statements in advertising:

1. Soliciting patients directly or indirectly,



individually or collectively, through the guise of groups, institutions or organizations.

2. Employing solicitors, publicity agents, entertainers, lecturers, or any mechanical or electronic, visual or auditory device for the solicitation of patronage.

3. Advertising professional superiority, or the performance of professional services in a superior manner.

4. Any advertising or conduct of a character tending to deceive or mislead the public.

5. Advertising one or more types of service to imply superiority or lower fees.

6. Holding one's self forth to the public under the name of any corporation, company, institution, clinic, association, parlor, or any other name than the name of the optometrist.

7. Holding one's self forth as possessed of or utilizing exclusive methods of practice or peculiar styles of service.

8. Displaying certificates, diplomas or similar documents unless the same have been earned by the optometrist.

9. Guaranteeing or warranting the results of professional services.

10. Advertising of any character which includes or contains any fee whatsoever, or any reference thereto, or any reference to the cost to the patient whether related to the examination or the cost or fee for lenses, glasses, frames, mountings, or any other optometric services, article or device necessary for the patient.

11. Offering free examinations or other gratuitous services, bonuses, premium discounts, or any other inducements.

12. Permitting the display of his name in any city, commercial, telephone or other public directory, in the lobby of public halls in an office or public building, using any type which is in any way different from the standard size, shape or color of the type regularly used in such mediums.

13. Permitting his name to be put in any public directory under a heading other than "Optometrist."

14. Printing professional cards, billheads, letterheads, and stationery with illustration or printed material other than his name, title, address, telephone number, office hours and specialty, if any.

15. Displaying large, glaring or flickering signs or any sign or other depiction containing as a part thereof the representation of an eye, eye glasses, spectacles, or any portion of the human head.

16. Using large lettering or other devices or unusual depictions upon the office doors or windows.

17. Accepting employment as a professional optometrist in the service of anyone other than an optometrist, if such professional services are to be offered to the general public.

18. As a guide and standard for the proper conduct of the practice and practitioners, of optometry in Iowa, this board adopts the Code

of Ethics and Rules of Conduct of the American and Iowa Optometric Associations.

#### STUDY COMPLIANCE

[Filed November 18, 1963]

**1.1 (154) Attendance requirements for renewal of licenses.**

**1.1 (1)** Attendance to two days of education, comprising at least six hours, at the Annual Educational Congress, I.O.A. or two full days attendance to graduate clinic foundation seminars conducted in Iowa under the auspices of a board approved local study group, or at any equivalent educational program which has been approved by the board prior to the holding of said equivalent educational program.

(This rule is intended to implement section 154.6)

**1.2 (154) Postgraduate study as requisite.**

**1.2 (1)** Attendance to at least six sessions of board recognized study groups.

**1.2 (2)** Two full days attendance to graduate clinic foundation seminars conducted in Iowa under the auspices of a board approved local study group.

**1.2 (3)** Home study material specified by the board as equivalent to the foregoing in cases involving extenuating circumstances. This only upon proper submission of evidence of extenuating circumstances to the board and subsequent board approval for such home study material.

(This rule is intended to implement section 154.8)

These rules shall become effective on January 1, 1964.

[Filed November 18, 1963]

**1.1 (147) (154) National Board Examination**

**1.1 (1)** After January 2, 1965, the Iowa state board of optometric examiners will discontinue the use of a written examination and will require in lieu thereof satisfactory passing of Parts I and II of the national board examination. Candidates for licensure in Iowa will be required to request their national board grades be forwarded to the State Department of Health, Division of Licensure, State Office Building, Des Moines, Iowa, 50319, at least fifteen days prior to the examination date.

[Filed December 2, 1964]

This rule is intended to implement sections 147.29 and 154.3.

#### DOGS FOR SCIENTIFIC RESEARCH

[Filed August 17, 1961]

**Section 1.** An institution as defined in section 1, chapter 193, Acts of the 59th General Assembly [§351A.1 of the Code], may make application to the department for authority to request dogs from a pound. Such application shall be on a form furnished by the department, and will include the following:

(1) Name and principal function of institution;

(2) The name and title of its principal officer or manager;



(3) The names and qualifications of the principal persons in charge of research or teaching involving the use of dogs;

(4) The names and qualifications of the principal persons in charge of dog care;

(5) A description of the physical facilities available for the care and custody of dogs;

(6) A general statement of the use proposed to be made of dogs.

**Section 2.** The department may make such investigation of the applicant as it deems necessary, and if satisfied that the institution is fit and proper and that the public interest would be served by so doing, the department will issue its authorization to the institution. The authorization will be in writing.

3. An authorization will expire on June 30 of each year, but an institution may at any time apply for further authorization as provided herein for initial authorization.

4. Authorized institutions shall at all times and in all respects comply with section 5 of chapter 193 of the Acts of the 59th G. A. [§391A.5] and shall further comply with the following minimum requirements for the care and comfort of animals:

(1) All dogs used for experimental purposes must be lawfully acquired and their retention shall be in strict compliance with the law.

(2) Research projects involving live dogs must be performed by, or under the immediate supervision of, a qualified biological scientist.

(3) The housing, care, and feeding of all experimental dogs shall be supervised by a qualified veterinarian or other biological scientist competent in such matters.

(4) Rooms in which dogs are to be housed shall be provided with a floor which can be kept clean, and the room shall be adequately lighted and ventilated. The temperature shall be held within reasonable limits. Cages should be of sufficient size to permit the dogs to stand and lie in a normal position. It is generally conceded that dogs maintained for long periods are in better physiological condition if they exercise regularly. Dogs housed out of doors should be given adequate protection from direct sunlight or inclement weather.

(5) The food and water supplied to all experimental dogs, subject to the nature of the research, must be palatable, and of sufficient quantity and proper quality to maintain the dogs in good health.

(6) In any operation likely to cause greater discomfort than the attending anesthetization, the dog shall first be anesthetized and be maintained in that condition until the operation is ended. Whenever anesthesia would defeat the purpose of the experiment, the experiment must be approved and directly supervised by the principal person in charge of the research as named in section 1.

5. An institution reporting to a public body the noncompliance of any pound with the provisions of chapter 193 [ch. 351A of the Code] shall forthwith send a duplicate of such notice

or report to the department. The department will make such investigation as is necessary, and notify the complaining institution and the public body receiving the report of the result of such investigation.

#### INDEX

General rule making authority: Section 135.11 (17), Code 1958.

Specific intent of legislature encompassed in rules: Chapter 193, Acts of the 59th General Assembly, and specifically sections 3, 5, and 6 thereof.

#### COUNTY BOARD OF HEALTH

Pursuant to authority of sections 135.11 (17) and 138.3, Code of Iowa, 1962, the following rules for the organization and duties of a county board of health are adopted.

[Filed February 16, 1966]

**1.1 (138) Formation.** In counties adopting the county health unit plan, the county board of supervisors shall enter into an agreement, which the local board of health consents to, and approves a county health unit plan, with the board of health of each city and town in the county and with any active board of health of each township in the county.

**1.1 (1)** A township board of health shall be considered active if a meeting has been held and official minutes kept within one year prior to the decision of the board of supervisors to attempt adoption of the county health unit plan, except that the township board of health shall not be considered active when the official minutes indicate that meetings were held solely to comply with section 137.6, Code of Iowa.

**1.1 (2)** The agreement shall be in writing and in a form approved by the state commissioner of public health.

**1.2 (138) Plan of appointment of members.** A plan for appointment of the county board of health as set out and provided for in section 138.2, Code of Iowa, shall be officially adopted by the board of supervisors.

**1.2 (1)** The plan shall include at least the following:

- a. Number of members.
- b. Length of terms of members.
- c. Dates of appointment of members.
- d. Qualifications of members.
- e. Frequency and dates of regular meetings.

**1.2 (2)** The plan shall be subject to the following restrictions:

- a. The number of members shall be not less than seven, nor more than eleven.
- b. Three members shall be representatives of the local medical society.
- c. Terms of members shall be not less than two, nor more than six years.
- d. Terms of not more than four members of a seven or eight member board, five mem-

bers of a nine or ten member board, or six members of an eleven member board shall expire during any one calendar year.

e. Qualifications of members on the basis of place of residence, profession, membership in other organizations, or any similar factors shall be reasonable, and shall provide for broad community representation insofar as is feasible.

f. Regular meetings shall be held at least four times yearly.

**1.3 (138) Agreements.** Copies of agreements, and a copy of the plan for appointment of the county board of health, as set forth in section 1 and section 2, shall be submitted to the state commissioner of public health, with a request for approval.

**1.4 (138) Investigation by commissioner.** Upon receipt of such request, the state commissioner of public health or his agent shall investigate all activities in public health in the county.

Report of this investigation shall include:

**1.4 (1)** A listing of agencies presently engaged in public health activity.

**1.4 (2)** Types of service provided by each agency.

**1.4 (3)** Number and qualifications of personnel in each agency.

**1.4 (4)** Source of funds and amount of expenditures for public health by each agency.

**1.5 (138) Approval by commissioner.** If on completion of the investigation, the state commissioner of public health finds that all requirements have been met and determines that adoption of the county health unit plan will not be detrimental to existing approve health activity in the county, he shall approve the plan, and shall transmit to the board of supervisors a notification of his approval, and a copy of the report of his investigation, as set out and provided for in section 1.4 (138) and any recommendations for improvement of public health activities in the county which he may deem advisable.

**1.6 (138) Appointment of members.** Upon receipt of such approval, the board of supervisors shall appoint the members of the county board of health, as set forth in their approved plan.

**1.7 (138) County board of supervisors may receive funds.** The county board of super-

visors may, by written agreement approved by the commissioner of health, receive funds from other organizations, including local boards of health, for the purpose of paying expenses incurred by the county health unit, and shall expend funds received pursuant to such agreements only for this purpose.

**1.8 (138) Duties of the county board of health.** The duties of the county board of health shall include the following:

**1.8 (1)** The county board of health shall guide and direct all public health activities within the county.

**1.8 (2)** The county board of health shall assist the state department of health and guide and direct the local boards of health in the enforcement of statutes, ordinances, rules and regulations within the county.

**1.8 (3)** The county board of health shall have the powers, duties and authority of a local board of health in the area of jurisdiction of a local board of health when the local board of health, upon written agreement with the county board of health, delegates the powers, duties and authority to the county board of health. The agreement is subject to the approval of the state commissioner of public health. The agreement may be terminated by resolution of either the county board of health or the local board of health. The termination of the agreement shall be effective one year after giving written notice to the other board and to the state commissioner of public health unless the commissioner approves another period of time.

**1.8 (4)** The county board of health may employ personnel to carry out a health program, with the authorization of the county board of supervisors, and in accordance with a personnel plan approved by the commissioner of public health, setting forth personnel qualifications, functions and duties.

**1.8 (5)** The county board of health shall obey and enforce the rules and regulations of the state department of health.

**1.8 (6)** The county board of health shall furnish the state department of health, in the manner prescribed by the department reports of its proceeding and activities.

These rules are intended to implement section 138.3, Code of Iowa, 1962.

[Filed February 16, 1966]

## HIGHER EDUCATION FACILITIES COMMISSION

The Higher Education Facilities Commission, as authorized by Chapter 9, Sections 1-5, Acts of the 60th General Assmby in Extraordinary Session, adopts the following rules for participation in the federal grants program for undergraduate facilities established by the Higher Education Facilities Act of 1963. In accordance with Chapter 230, sections 1-3, Acts of the 61st General Assembly, the following rules are adopted for the state scholarship program.

[Filed January 20, 1966]

**1.1 (261) The Facilities Program.**

**1.1 (1)** The "State Plan for the Higher Education Facilities Act of 1963," prepared by authority of chapter 9, section 2, Acts of the 60th General Assembly in Extraordinary Session [261.2], was adopted by the higher education facilities commission on September 23, 1964, and constitutes the basis for carrying out its functions under Title I of the Higher Education Facilities Act of 1963 (Public Law 88-204) and applicable federal regulations.

**1.1 (2)** Under administration of the "State Plan" aforementioned, the higher education

facilities commission assigns priorities and provides for hearings to applicants for funds under Public Law 88-204.

### 1.2 (261) The Scholarship Program.

#### 1.2 (1) Basic Policy.

a. A state-supported scholarship program based on "ability and need to deserving students of Iowa matriculating in Iowa universities and colleges" is authorized by chapter 230, section 1, Acts of the 61st General Assembly [261.2 (4)].

b. In accordance with chapter 230, section 2, the sum of \$500,000 was appropriated to finance the scholarships awarded by the higher education facilities commission during the biennium of 1965-67.

1.2 (2) *Advisory Committee.* An advisory committee selected from among officers of Iowa secondary schools, public community colleges, private colleges and universities, state-supported schools and from among others conversant with scholarships, was established by the commission. Members are appointed soon after the beginning of the fiscal year to serve until the following June 30.

1.2 (3) *Scholarship Eligibility.* A student who wishes to apply for a state of Iowa scholarship must:

a. be a citizen of the United States and a resident of Iowa for twelve months immediately preceding date of application.

b. be a graduate of an approved high school before the end of the summer preceding the fall term of entrance into college.

c. plan to enroll as a freshman student at an approved college or university in Iowa.

d. take such standard or other tests as may be required by the commission.

e. submit a statement of financial need on forms designated by the commission and designed to be analyzed objectively.

f. have his high school forward to the commission a transcript of his record, including rank in class and grade point average, or such other recorded data as may be required by the commission.

g. be a person of good moral character.

1.2 (4) *Applications.* Application forms for the State of Iowa Scholarship Program are revised each year and made available through the high schools on a schedule which will allow for awards in the spring.

1.2 (5) *Legal Residence.* The address of a scholarship recipient or applicant, for commission purposes, is that of his parent(s) or legal guardian, even though the student is married or resides at different address.

#### 1.2 (6) Academic Potential.

a. The academic potential of an applicant, or his aptitude for success in completing college, is determined by one or more of such objective factors as the following:

- (1) scores on a standard test.
- (2) grade point average.

(3) percentile rank in high school class.

b. The weighting in combining the factors used will be determined by the commission anew each year, with the help of recommendations made by the advisory committee and after a careful evaluation of the results of the program the previous year.

c. The applicant's high school principal or guidance counselor may be requested to state his opinion on the candidate's moral character and his recommendation on whether or not the student merits a state scholarship.

#### 1.2 (7) Financial Need.

a. Having qualified academically, an applicant is eligible for a state scholarship if his financial resources are at least one hundred fifty dollars less than his anticipated expenses for the college of his choice.

b. The resources of the student, including those available from the parents, are determined from their submitted confidential need analysis data, together with other available sources, as reviewed by experienced financial aids officers serving on the advisory committee.

c. College expenses include tuition and mandatory fees, room and board and a uniform allowance for other expenses.

1.2 (8) *Student Acceptance.* A scholarship recipient is required to complete and sign an acceptance form and to report to the commission any changes in his status or in his college plans since making application.

#### 1.2 (9) Awards.

a. State of Iowa scholarships range from one hundred fifty to eight hundred dollars and may not exceed tuition and mandatory fees at the college or university the student chooses. Awards may not be applied to any expenses other than tuition and mandatory fees, which are defined as those paid by all full-time students.

b. Awards are paid directly to the institution on a semester or quarterly basis after certification that the student is in attendance.

c. If a scholarship recipient is dismissed or leaves college voluntarily before completion of the term, his award or portion thereof shall be refunded to the state of Iowa in conformity with the institution's accepted policy on refunds.

d. A scholarship recipient may request a leave of absence when illness, financial circumstances or other reasons beyond his control prevent him from enrolling or force him to withdraw from college.

e. A scholarship recipient who notifies the commission that he is transferring to another approved Iowa college or university before the academic year begins or at the beginning of the second semester (or quarter) may have his award transferred. However, the total award amount may be decreased, if his tuition and fees are less than at his original college choice.

**1.2 (10) Participating Institutions.**

a. Institutions holding accreditation by the North Central Association of Colleges and Secondary Schools and those area community colleges and community-junior colleges approved by the state department of public instruction are eligible to participate in the state of Iowa Scholarship Program.

b. In the absence of the above accreditation or approval, an institution must present to the commission satisfactory evidence that it has been in operation for at least two full academic years and has been granted status of candidate for membership in the North Central Association of Colleges and Secondary Schools.

**1.2 (11) Renewal of State Scholarships.**

a. A scholarship recipient may apply for renewal of his award, to the extent that funds are available, provided that he has remained in good standing during the preceding academic year and continues to demonstrate financial need.

b. Renewal instructions are sent to the student and to his college, which must report on his academic achievement.

c. A renewal award may be more or less than that of the previous year, depending upon changes in tuition or the financial circumstances of the student.

[Filed January 20, 1966]

**HIGHWAY COMMISSION**

Chapters 307 and 321, Code of Iowa

**Editor's Note:** The highway commission makes rules and regulations relating to the following subjects:

Manual of Uniform Traffic Control Devices  
Arterial Highway Stops (Urban Primary Road Extensions)

Arterial Highway Stops (Rural Primary Roads)

Special School Stops  
Special Speed Zones

Persons desiring information in regard thereto may address the Iowa State Highway Commission, Ames, Iowa.

**FULLY CONTROLLED ACCESS HIGHWAYS**

NONTRAFFIC AND SPECIAL USES

[Filed September 20, 1961]

Pursuant to authority vested in the Iowa state highway commission by chapters 306A and 307, 1958 Code of Iowa, and specifically sections 306A.2, 306A.3, 306A.4 and 307.5, as amended by section 2, chapter 206, Acts of the 58th General Assembly, rules and regulations of the Iowa state highway commission as adopted July 29, 1959 [Filed August 4, 1959], and amended August 26, 1959 [Filed September 1, 1959], on file in the office of the secretary of state, Des Moines, pertaining to the interstate highway system consisting of six numbered divisions are hereby rescinded; and in lieu thereof the following rules and regulations pertaining to all fully controlled access highways are hereby adopted:

1. For the purposes of these rules and regulations a fully controlled access highway is defined as a highway or street especially designed for through traffic, and over, from or to which owners or occupants of abutting land or other persons have no right or easement of access, light, air, or view by reason of the fact that their property abuts upon such fully controlled access highway or for any other reason, including, but not limited to, those highways or streets which are part of the interstate highway system.

2. Ingress and egress to fully controlled ac-

cess highways shall be by use of public road entrances and exits. No other ingress or egress shall be allowed to any person or vehicle to, from, or across said highway right of way to or from abutting lands, except that with written approval of the Iowa state highway commission (and the federal bureau of public roads when necessary) access from abutting lands to the right of way of a fully controlled access highway may be made at those points needed to construct, service, and maintain necessary crossings for public utilities, drainage facilities, and other public services, or for any uses of the right of way as may hereafter be specially authorized by the Iowa state highway commission.

3. No motor vehicles not used for necessary highway maintenance shall be driven or stopped upon the nonsurfaced portions of a fully controlled access highway except as provided for by the regulations of the Iowa state highway commission.

4. No motor vehicle not used for necessary highway maintenance shall be driven or stopped upon the surfaced shoulders of a fully controlled access highway except for emergency reasons.

5. The use of any portion of the right of way of fully controlled access highways for the purpose of constructing or servicing utility facilities thereon is prohibited unless specially authorized by the Iowa state highway commission pursuant to section 7 hereof, except that necessary public service and utility crossings may be constructed or maintained as follows:

a. Motor vehicles may use frontage roads and the unsurfaced portions of the right of way of fully controlled access highways to construct and service necessary public service and utility crossings provided they obtain ingress and egress thereto from other than the surfaced portions of the fully controlled access highway at such points and by such routes as may be specified by the Iowa state highway commission.

b. In the event that it is impossible to reasonably construct and service necessary public service and utility crossings with the motor

vehicle movements herein allowed, additional use of the right of way of fully controlled access highways may be allowed by permit issued by the Iowa state highway commission provided all reasonable provisions for the safety of the general traveling public are incorporated therein.

c. In disaster emergencies where such ingress or egress as outlined in section 5 "a" above is temporarily impossible, the surfaced area of the right of way of fully controlled access highways may be used to approach the distressed lines or facilities, and the surfaced shoulders may be used for temporary parking, provided all reasonable provisions for the safety of the general traveling public are made, including prior notification of the Iowa highway patrol and the maintenance department of the Iowa state highway commission.

d. Where utility lines or public service facilities are so damaged as to constitute a danger to the life or property of the general traveling public, access to the same may be by the most expeditious route and where necessary in such event, temporary parking on the surfaced shoulders of the fully controlled access highway will be permitted, provided due care is exercised for the safety of the traveling public. Notice of such situation shall be given to the Iowa highway patrol and the maintenance department of the Iowa state highway commission as soon as reasonably prudent under the circumstances.

6. In regard to necessary crossings for public utilities, drainage facilities, and other public services, designation of points of access thereto and routes therefrom and permits required therefor shall be obtained by application to the maintenance department of the Iowa state highway commission at Ames, Iowa. Said application shall set forth the name of the applicant, the type of public service or utility crossings involved, the exact location thereof, and such other information and specifications as may be required by said maintenance department in connection with such application.

7. No structure of any type or public utility facility which is not authorized by the Iowa state highway commission as a part of the highway design for the safety and convenience of the general traveling public using a fully controlled access highway shall be constructed or placed thereon, except necessary public service and utility crossings, or except as hereinafter provided. Other uses of the highway right of way that are not a part of such highway design and that are not otherwise provided for herein may be authorized under circumstances where: (1) An application is made to the Iowa state highway commission, Ames, Iowa, which sets forth the type of such other use of the right of way desired, the specifications of any structures or facilities necessary thereto, and the desired location therefor, together with any other relevant informa-

tion that may be thereafter requested by the highway commission; (2) the Iowa state highway commission finds and determines that such occupancy, use, or reservation is in the public interest and will not impair the highway or interfere with the free and safe flow of traffic thereon; and (3) permission for such use where granted will be on such terms and conditions as the Iowa state highway commission may prescribe for the safe use of the highway.

RESOLUTION ON INTENT REGARDING CONTROLLED ACCESS HIGHWAYS

[Filed and indexed December 10, 1962]

1. The resolution declaring that rights of direct access to certain highways shall be controlled pursuant to chapter 148 of the Acts of the 56th General Assembly [chapter 306A of the Code], were made as a declaration of intent to exercise the police power delegated to the Iowa state highway commission by that chapter and it was not the intent nor does the Iowa state highway commission claim that such resolutions create any property rights in the Iowa state highway commission for the state of Iowa in or to property abutting such highways.

2. The signs stating "Access Restricted on this Highway. For Information Apply to the State Highway Commission at Ames, Iowa." or any other signs conveying the same meaning, were erected for informational purposes only; and it was not the intent, nor does the Iowa state highway commission claim, that such signs create any property rights in the Iowa State Highway Commission for the state of Iowa in or to property abutting such rights of way.

3. The Iowa state highway commission disclaims any interest of any kind or character in or to the land abutting such rights of way which might have been created by the erection of said signs, and specifically states that such signs are and were for informational purposes only.

4. The Iowa state highway commission further asserts that it is not, nor has it been, its intention to claim or assert any property rights for the state of Iowa in any property abutting its rights of way by virtue of the form of application for access heretofore used or any form now or hereafter approved for use and used by the Iowa state highway commission in connection with applications for access to the primary roads of Iowa.

ESTABLISHMENT OF CONTROLLED ACCESS HIGHWAYS

[Filed and indexed December 10, 1962]

General rule making authority: Section 307.5 (14), Code, 1962.

Specific intent of legislature expressed in rules: Sections 306A.2, 306A.3, 306A.4, Code of 1962.

## STATEMENT OF POLICY

## SECTION 1

**I.** That the Iowa state highway commission recognizes that there is no fixed, final, nor positive set of rules or regulations which will ultimately and irrevocably cover, nor standards so universal as to lead to an inevitable conclusion in every situation which may arise with regard to access to primary roads, and that in connection with each such application said Iowa state highway commission must and shall consider the following:

1. Safety to the traveling public.
2. Protection of the rights of property owners, and in particular the rights of abutting property owners.
3. The rights and convenience of the traveling public and of property owners to have access to homes and business facilities.
4. The impact upon the economy of the state.
5. The perpetuation of the carrying capacity of the highway.

**II.** That the Iowa state highway commission shall at all times recognize that no property owner shall be deprived of the right to reasonable, free and convenient access to his property without just compensation therefor.

**III.** That the Iowa state highway commission shall at all times reserve the right to make exceptions to any and all rules and regulations where the exercise of sound and reasonable judgment indicates that the literal enforcement of any such rules or regulations would effect an undue hardship on any interested party, and the commission shall in the enforcement thereof use extraordinary care to see that no undue hardship or injustice results to any affected party, the community or state.

## TERMS USED

## SECTION 2

**2.1 Commission.** The Iowa state highway commission as constituted under the laws of the state of Iowa.

**2.2 Acquisition.** To receive title by gift, purchase or condemnation.

**2.3 Fully Controlled Access Highway.** A highway or street especially designed for through traffic and over, from or to which owners or occupants of abutting land or others shall have no right or easement of access by the reason of the fact that their property abuts upon such highway. Access to a fully controlled access highway shall be via interchanges at designated public roads.

**2.4 Planned Controlled Access Highway.** A highway planned or designated by the commission to give preference to through traffic, but, in addition to selected public road intersections at grade, access to the highway at approved points will also be allowed.

**2.5 Access.** A means of ingress and/or egress to a property.

**2.6 Frontage.** The length along the highway right of way line of a single property tract.

Corner property at a highway intersection has a separate frontage along each highway.

**2.7 Frontage Road.** A local street or road or equivalent thereof, auxiliary to a primary road or primary road extension, for service to abutting property and adjacent areas. Such facility shall connect to a primary road, primary road extension or other system of public roads or streets.

**2.8 Special Public Road Connection.** A connection for public use, to be considered for approval when access rights have been acquired, provided that certain conditions of these regulations have been met.

**2.9 Entrance.** To provide access to abutting property identified further for the following specified uses:

**2.9 (1) Industrial Entrance.** An entrance to an establishment that manufactures or processes an article or product.

**2.9 (2) Commercial Entrance.** An entrance to an establishment where buying and/or selling of commodities, entertainment or services is carried on with the public.

**2.9 (3) Special Commercial.** Commercial developments such as drive-in theaters, amusement parks, etc., which generate heavy concentration of vehicles sporadically and shopping centers generating over fifteen hundred vehicles per day.

**2.9 (4) Subdivision or Multiple Residential Entrance.** A single entrance to serve more than three individual residential ownerships or more than three separate housing units regardless of ownership.

**2.9 (5) Residential Entrance.** An entrance to property used primarily for residential purposes and incidental uses pertinent thereto.

**2.9 (6) Farm Entrance.** An entrance to a farmyard area.

**2.9 (7) Field Entrance.** An entrance to a field or area used for agricultural purposes, including future pertinent land service buildings.

**2.9 (8) Miscellaneous Entrances.** Shall be described according to their use or purpose such as cemetery entrance, school entrance, military entrance, etc.

**2.10 Signs.** This sign worded as follows:

ACCESS RESTRICTED ON THIS HIGHWAY  
FOR INFORMATION APPLY TO  
STATE HIGHWAY COMMISSION AT AMES

is for informational purposes only and to point out the need for contact with the commission prior to establishment of an entrance or the change of an existing entrance and does not infringe upon any right of egress or ingress, which right can only be denied by acquisition and upon payment of just compensation.

**2.11 Sight Distance.** The distance of clear vision along the highway in each direction\* from any given point of access where vehicle

\*On a four-lane divided highway when an entrance is proposed at a location not to be served by a median cross-over, sight distance will be required on a two-lane basis against the flow of traffic only.

must stop before entering the highway. Vertical and horizontal sight distance is measured from a point three and three-fourths feet above the entrance surface and to a point four and one-half feet above the road.

### 2.12 Highway Classification.

#### CLASS I

Interstate System or other Fully Controlled Access Highway.

#### CLASS II

Existing four-lane primary roads or those roads on which adequate right of way for four lanes has been acquired—Planned Controlled Access Highway.

#### CLASS III

Planned Controlled Access Highways on which through traffic is given primary consideration as indicated on attached tabulation.

#### CLASS IV

Planned Controlled Access Highways on which through traffic and land service traffic are given equal consideration as indicated on the attached tabulation.

**2.13 Built-up Area.** An area which meets the following general criteria for the side of the primary road or primary road extension:

**2.13 (1)** The lots or area abutting are presently developed with insufficient setback for a frontage road and the development in depth precludes the establishment of a frontage road to the rear of the lots or area.

**2.13 (2)** In the event that a frontage road or service road is developed, planned or can be developed through the area, the area shall not be considered a "Built-Up Area".

**2.14 Fringe (Suburban) Area.** An area which meets the following general criteria for the side of the primary road or primary road extension:

**2.14 (1)** The lots, parcels or area abutting, that include intermittent or unrelated development which will permit consideration of a frontage road in front of, or in the rear of the development.

**2.14 (2)** For agricultural land inside corporate limits see "Rural Area," section 2.15.

**2.15 Rural Area.** An area which meets the following general criteria for the side of the primary road.

**2.15 (1)** All area not clearly coming within the criteria set forth for "Built-Up" or "Fringe" areas and shall include agricultural land within the corporate limits of a city or town.

## SECTION 3

### GENERAL PROCEDURE AND REQUIREMENTS FOR ESTABLISHMENT OF ENTRANCES

**3.1** The purpose of the rules and regulations for the establishment or location of entrances is to provide access standards. In all instances before an existing entrance may be modified in any manner, or a new or additional entrance constructed to a primary highway, an application for permit to construct or change the entrance must be submitted to and approved by the commission.

### 3.2 Entrance Permit.

*(Locations where access rights have not been acquired)*

The application to construct a new entrance or modify an existing entrance shall be initiated through the resident maintenance engineer in charge of the county in which the entrance is located. The application (Form 559) must be accompanied with a plat of the proposed development. Where applicable, evidence of tentative approval of appropriate city or county officials (in instances of county zoning) must accompany the application.

### 3.3 Special Public Road Connection.

*(Location where access rights have been acquired)*

Same procedure and attachments will be required as for entrance permit (Form 559) except that request will be submitted on Form 536, "Request for Establishment of Special Public Road Connection". Requests submitted must be approved by the bureau of public roads in addition to the commission on projects constructed with access control agreement with the Bureau of Public Roads.

**3.4** Written application referred to in sections 3.2 and 3.3 filed on appropriate commission forms shall be submitted not less than thirty days prior to need of authorization.

**3.5** Entrance permit applications shall be signed by the owner or owners of record. Dependent upon ownership of the property and other estates therein, other signatures may be required.

**3.6** Property owners denied an entrance permit by the district engineer may appeal such denial to the commission by resubmitting the application to the Iowa State Highway Commission, Ames, Iowa, and the commission shall act on said request no later than sixty days from date of receipt thereof. Applicant will be notified of date and time that the commission will consider his appeal.

## SECTION 4

### GENERAL REGULATIONS ON CONTROL OF ACCESS

**4.1 Fully Controlled.** Access shall be completely controlled either (1) by acquiring all existing rights of direct access of abutting property owners to and from the highway or (2) by constructing frontage roads or designating existing roads or streets to provide access from adjacent areas.

### 4.2 Planned Control. (Access not acquired)

**4.2 (1)** Where access control is established or designated over an existing public highway open and used for travel, intersecting road, streets or entrances existing on the date said control is established and which are necessary for free and convenient access and which the commission deems are reasonably located and not likely to create undue hazard are hereby authorized and approved.

**4.2 (2)** Additional street, highway or private entrance may be opened into or connected with the planned controlled access highway upon written approval by the commission. The



construction, location, or surfacing of an authorized or existing entrance may be changed with the written approval of the commission.

#### 4.2 (3) Frontage Roads.

4.2 (3) (1) When and where a frontage road is established and opened to public travel, access from the abutting property shall be to the frontage road.

4.2 (3) (2) The said access to frontage roads constructed and maintained by the commission shall be unlimited. The geometrics of the entrances shall be as provided for Class IV highways as described in section 10.

4.2 (3) (3) The said access to frontage roads maintained by other governmental agencies shall conform to those agencies' requirements.

#### 4.3 Planned Control. (Access rights acquired)

4.3 (1) Where an access controlled highway is improved on its present location and access rights are being acquired, necessary entrances for present land use may be authorized. On relocation, entrances may be authorized to serve present land use of tracts of land abutting said highway which are not reasonably served by other public highways. Existing public highways which intersect or cross the improved or relocated access controlled highway may be authorized and approved as places of entrance upon and departure from said highway subject to alteration in layout or separation of grades or other modification made necessary by the design of said controlled access highway.

4.3 (2) Where access rights have been acquired along primary roads and/or primary road extensions, it is intended that accesses for future development of the land abutting the primary road or primary road extension shall be by means of frontage roads.

4.3 (3) Additional street or local road connections require the approval of the commission prior to the establishment.

### SECTION 5

#### ACQUISITION OF RIGHTS OF ACCESS

5.1 Fully Controlled Access. All abutting property owners' existing rights of direct access to the highway, if any, shall be completely acquired.

#### 5.2 Planned Controlled Access.

5.2 (1) Relocation. Access may be granted for present land use when the absence of access would result in a landlocked parcel or to reduce severance damages.

5.2 (2) Present Roads. When lands are being acquired for the improvement of existing highways all right of access may be denied by acquisitions. However, access may be granted or reserved for present land use.

5.2 (3) Class IV Highways. On Class IV highways access rights will be acquired only in the vicinity of designated intersections.

5.2 (4) Frontage Roads. When frontage roads are constructed or designated, access shall be to the frontage road.

### SECTION 6

#### ENFORCEMENT OF ACCESS CONTROL ON FULLY CONTROLLED ACCESS HIGHWAYS

6.1 Existing Location. Where access rights have been acquired on a fully controlled access highway on an existing location and thereafter any means of ingress and/or egress is established thereto, the commission may construct and maintain within the limits of the right of way such physical barriers as they deem necessary to eliminate the ingress and/or egress or may cause the access to be removed.

6.2 New Location. The same enforcement as set out in section 6.1 shall apply on new locations where no access rights have accrued by virtue of the new location.

6.3 Rural Areas. In rural areas the commission may construct and maintain within the right of way of a fully controlled access highway fences or other appropriate physical separations to effectively enforce and control proper use of the highway.

6.4 Cities and Towns — Primary Road Extensions. Where fully controlled access highways have, on agreement with municipal authorities, been established on primary road extensions within cities and towns, fences of appropriate design may be constructed and maintained within the limits of the right of way to prevent unlawful means of access.

### SECTION 7

#### ENFORCEMENT OF ACCESS CONTROL ON PLANNED CONTROLLED ACCESS HIGHWAYS

7.1 Informational Signs. Where a highway is declared to be a planned access controlled highway by the commission, controlled access signs will be displayed along the highway.

7.2 Rural Areas. In rural areas the commission may construct and maintain within the right of way of a planned controlled access highway fences or other appropriate physical separations to effectively enforce and control the proper use of the highway.

7.2 (1) Existing Location. Where access rights have been acquired no access will be permitted other than as granted or reserved upon such acquisition. Enforcement shall be as set forth in section 7.2.

7.2 (2) New Location. No access will be allowed except as provided under sections 4.31 and 8.1. The same regulations and enforcement as set out in sections 7.2 and 7.21 above shall apply.

7.3 Cities and Towns — Primary Road Extensions. Where planned controlled access highways have, on agreement with municipal authorities, been established on primary road extensions within cities and towns, fences of appropriate design may be constructed and maintained within the limits of the right of way to prevent unlawful means of access.

7.3 (1) If entrances are constructed without the approval of the commission, the commission may cause the removal thereof. If an entrance is altered without the approval of the commission, the commission may cause the



entrance to be restored to the standards existing immediately prior to the alteration.

### SECTION 8

ACCESS TO CLASS II, III, OR IV HIGHWAYS WHERE ACCESS RIGHTS HAVE BEEN ACQUIRED

**8.1 Special Public Road Connection for Non-commercial, Commercial or Industrial Development.** Special public road connections may be constructed by the commission at suitable locations to the near lane of the primary road in accordance with the following:

**8.1 (1)** The minimum spacing or frequency of the special public road connections to the primary road shall be in accordance with the attached chart (section 8.2) based upon the type of area and volume of traffic.

**8.1 (2)** Minimum sight distance shall not be less than that occasioned by the posted daytime highway speed limit requirement as stated below:

Posted Daytime Speed Limit	Minimum Sight Distance
70 m.p.h.	950 feet
60 m.p.h.	750 feet
50 m.p.h.	550 feet
40 m.p.h.	450 feet

### MINIMUM SPACING OF SPECIAL PUBLIC ROAD CONNECTIONS

Type and Width of Highway	Daily Traffic Volume Based on Estimate for 1975		
	Under 1,500	1,500 to 4,000	Over 4,000
	Rural Area		
Two and Four Lane Undivided	At approximate $\frac{1}{8}$ mile interval but no closer than 500' to existing public or special public road connection nor no closer than 950' to a primary road intersection.	At approximate $\frac{1}{4}$ mile spacing but no closer than 1000' to existing public or special public road connection. There shall be no more than 6 road connections per mile including the existing county road connections.	No closer than $\frac{1}{4}$ mile to existing public or special public road connection.
	Fringe (Suburban) Area		
	Access at street or public road connections. New road or street connection at not less than 330' to an existing public or special road connection nor no closer than 500' to a primary road intersection.	Access at street or public road connections pursuant to agreement with city. New road or street connections at not less than 950' intervals and to be co-ordinated with city planning.	Street openings pursuant to agreement with city. Special public road connection at not less than $\frac{1}{4}$ mile intervals and to be co-ordinated with city planning.
Built Up Area			
Subject to present street pattern but no closer than 330' to existing public street connection.	Access at designated street openings pursuant to agreement with city. New street connections to be co-ordinated with city planning but not less than 660' intervals.	Access at designated street openings pursuant to agreement with city. New street connections to be co-ordinated with city planning but not less than $\frac{1}{4}$ mile intervals.	

### SECTION 9

ACCESS TO CLASS II OR CLASS III HIGHWAYS RURAL OR FRINGE AREA WHERE ACCESS RIGHTS HAVE NOT BEEN ACQUIRED

#### 9.1 Commercial and Industrial.

**9.1 (1) Sight Distance.** Minimum sight distance shall not be less than the posted daytime speed limit requirements as stated below:

Posted Daytime Speed Limit	Minimum Sight Distance
70 m.p.h.	950 feet
60 m.p.h.	750 feet
50 m.p.h.	550 feet
40 m.p.h.	450 feet

**9.1 (2) Intersections.** Necessary access openings located five hundred feet or more

**8.1 (3)** Special road connections will be authorized upon the execution of a formal agreement between the property owners and the commission. Said agreement (Form 536) shall set forth all of the requirements and conditions under which the connection is authorized.

#### 8.2 Minimum Spacing of Special Public Road Connections on Four Lane Divided Highway—All Traffic Volumes.

##### Rural Area

No closer than one-fourth mile to existing public or special public road connection.

##### Fringe (Suburban) Area

Street openings pursuant to agreement with city. Special public road connections for new streets at not less than one-fourth mile intervals and to be co-ordinated with city planning.

##### Built Up Area

Access at designated street openings pursuant to agreement with city.

from the intersection of two primary roads or three hundred feet or more from the intersection of a primary road and secondary road may be granted.

Access openings may be granted within the widened portion of a channelized intersection in the event the median is over seven hundred fifty feet long. Access may be authorized five hundred feet or more from the center of an intersection and not closer than two hundred fifty feet to the end of the median, provided another access is constructed beyond the widened portion of the intersection and the access points are connected with a frontage road.

Existing access within the above limits may be allowed to remain or the commission

may elect to relocate the access or acquire the access rights.

Access may be directly opposite a primary road or secondary road in instances of a "T" intersection.

Access will not be permitted onto a secondary road within the primary road right of way or area acquired for "daylighting" the intersection.

**9.1 (3) Property Lines.** The centerline of the entrance at the edge of slab shall be no closer than fifty feet to the property line extended. (The property line extension from the right of way line to centerline shall be at right angles to the centerline of the highway.) The return of the drive shall not extend beyond the property line.

An entrance to serve two properties may be established, centered on the property line by mutual agreement of the property owners and commission.

**9.1 (4) Number and Arrangement of Entrances.** In general, commercial or industrial developments (other than service stations) will be granted one access point to the primary road. Service stations with adequate frontage will be granted two points of access to the primary road.

Developments with one thousand feet or more of frontage may be authorized two access points at not less than six hundred sixty feet intervals.

#### **9.1 (5) Width of Entrance.**

**9.1 (5) (1) Commercial.** Thirty feet maximum for one-way use on divided highway—may be increased to forty-five feet to serve two properties. Forty-five feet maximum for two-way use, in all cases.

**9.1 (5) (2) Special Commercial, Industrial or Miscellaneous.** Each case will require special study. (For special commercial see section 12.)

**9.1 (6) Entrance Angle.** In general, entrance angle will be as near ninety degrees to centerline of the highway as site conditions will permit.

Entrances established for two-way operation for service stations or developments where two access points are authorized shall be sixty degrees to ninety degrees to centerline.

In those instances, on a divided highway, where two access points are authorized for one-way operation, the "ingress" may be forty-five degrees to sixty degrees to centerline and the "egress" sixty degrees to ninety degrees to centerline.

#### **9.1 (7) Return Radii.**

**9.1 (7) (1) Commercial.** For entrance angle of ninety degrees to centerline return radii at junction of entrance and pavement shall not exceed forty-five feet. For entrance angle of sixty degrees to centerline, return radii of obtuse angle shall not exceed sixty feet and return radii of acute angle shall not exceed twenty feet.

**9.1 (7) (2) Special Commercial, Industrial or Miscellaneous.** Each case will require special study.

**9.1 (8) Slope and Cross-Section of Entrance.** The finished surface elevation of the entrance over the pipe, or place where pipe would normally be, shall be not less than four inches lower than shoulder elevation at the centerline of the entrance to prevent water draining onto the pavement or traveled way.

The side slopes on the entrance shall not be steeper than 2:1.

#### **9.2 Noncommercial.**

**9.2 (1) Sight Distance.** Minimum sight distance shall not be less than the posted daytime speed limit requirement as stated below:

Posted Daytime Speed Limit	Minimum Sight Distance
70 m.p.h.	950 feet
60 m.p.h.	750 feet
50 m.p.h.	550 feet
40 m.p.h.	450 feet

**9.2 (2) Intersection.** Necessary access openings located five hundred feet or more from the intersection of two primary roads or three hundred feet or more from the intersection of a primary road and secondary road may be granted.

Access openings may be granted within the widened portion of a channelized intersection in the event the median is over seven hundred fifty feet long. Access may be authorized five hundred feet or more from the center of an intersection and not closer than two hundred fifty feet to the end of the median provided another access is constructed beyond the widened portion of the intersection and the access points are connected with a frontage road.

Existing access within the above limits may be allowed to remain or the commission may elect to relocate the access or acquire the access rights.

Access may be directly opposite a primary road or secondary road in instances of a "T" intersection.

Access will not be permitted onto a secondary road within the primary road right of way or area acquired for "daylighting" the intersection.

**9.2 (3) Property Lines.** Centerline of entrance at edge of slab to be no closer than thirty-five feet to property line extended. (The property line extension from the right of way line to centerline shall be at right angles to the centerline of the highway.)

An entrance to serve two properties may be established, centered on the property line by mutual agreement of the property owners and the commission.

**9.2 (4) Number and Arrangement of Entrances.** In general, noncommercial developments will be granted one access point to the primary road.

**9.2 (5) Width of Entrance.** An entrance shall have a top width of not less than eighteen feet nor more than twenty-four feet measured

parallel to the edge of the slab culvert line.  
 An entrance to serve two properties shall have a top width of not less than twenty-four feet nor greater than thirty feet measured as above.

**9.2 (6) Entrance Angle.** The centerline of the entrance shall be as near ninety degrees as site conditions will permit. Normally the centerline of that part of the entrance lying on the right of way shall be at right angles to the pavement for a minimum distance of thirty feet from the near edge of the pavement.

**9.2 (7) Return Radii.** An entrance of this classification shall be flared with radii no more than fifteen feet. Radii shall be measured from edge of slab.

**9.2 (8) Slope and Cross-Section of Entrance.** The finished surface elevation of the driveway over the pipe, or place where pipe would normally be, shall be not less than four inches lower than shoulder elevation at the centerline of the entrance to prevent water draining onto the pavement or traveled way.

The side slopes on the entrance shall not be steeper than 2:1.

**SECTION 10**

ACCESS TO CLASS IV HIGHWAYS RURAL OR FRINGE AREA WHERE ACCESS RIGHTS HAVE NOT BEEN ACQUIRED

**10.1 Commercial and Industrial.**

**10.1 (1) Sight Distance.** Minimum sight distance shall not be less than the posted daytime speed requirements as stated below:

Posted Daytime Speed Limit	Minimum Sight Distance
70 m.p.h.	950 feet
60 m.p.h.	750 feet
50 m.p.h.	550 feet
40 m.p.h.	450 feet

**10.1 (2) Intersections.** Necessary access openings located three hundred feet or more from the intersection of two primary roads or one hundred fifty feet or more from the intersection of the Class IV highway and a secondary road may be granted except within a "daylighted" area.

Access openings may be granted within the widened portion of a channelized intersection in the event the median is over seven hundred fifty feet long. Access may be authorized five hundred feet or more from the center of an intersection and not closer than two hundred fifty feet to the end of the median, provided another access is constructed beyond the widened portion of the intersection and the access points are connected with a frontage road.

Existing access within the above limits may be allowed to remain or the commission may elect to relocate the access or acquire the access rights.

Access may be directly opposite a primary road or secondary road in instances of a "T" intersection.

Access will not be permitted onto a secondary road within the primary road right of way or area acquired for "daylighting" the intersection.

**10.1 (3) Property Lines.** The centerline of the entrance at the edge of slab shall be no closer than forty feet to the property line extended. (The property line extension from the right of way line to the centerline shall be at right angles to the centerline of the highway.) The return on the drive shall not extend beyond the property line.

An entrance to serve two properties abutting the primary road may be established centered on the property line, by mutual agreement of the property owners and the commission.

**10.1 (4) Number and Arrangement of Entrances.** In general, commercial or industrial developments (other than service stations) will be granted one or more access points to the primary road.

**10.1 (5) Width of Entrance.**

**10.1 (5) (1) Commercial.** Forty-five feet maximum for two-way use, in all cases.

**10.1 (5) (2) Special Commercial, Industrial or Miscellaneous.** Each case will require special study. (For special commercial see section 12.)

**10.1 (6) Entrance Angle.** In general, entrance angle will be as near ninety degrees to centerline of the highway as site conditions will permit.

Entrances for service stations or developments where two access points are authorized shall be sixty degrees to ninety degrees to centerline.

**10.1 (7) Return Radii.**

**10.1 (7) (1) Commercial.** For entrance angle of ninety degrees to centerline return radii at junction of entrance and pavement shall not exceed forty-five feet. For entrance angle of sixty degrees to centerline return radii of obtuse angle shall not exceed sixty feet and return radii of acute angle shall not exceed twenty feet.

**10.1 (7) (2) Special Commercial, Industrial or Miscellaneous.** Each case will require special study.

**10.1 (8) Slope and Cross-Section of Entrance.** The finished surface elevation of the driveway over the pipe, or place where pipe would normally be, shall not be less than four inches lower than shoulder elevation at the centerline of the entrance to prevent water draining onto the pavement or traveled way.

The side slopes on the entrance shall not be steeper than 2:1.

**10.2 Noncommercial.**

**10.2 (1) Sight Distance.** Minimum sight distance shall not be less than the posted daytime speed limit requirement as stated below:

Posted Daytime Speed Limit	Minimum Sight Distance
70 m.p.h.	950 feet
60 m.p.h.	750 feet
50 m.p.h.	550 feet
40 m.p.h.	450 feet

**10.2 (2) Intersection.** Necessary access openings located three hundred feet or more

from the intersection of two primary roads or one hundred and fifty feet or more from the intersection of a Class IV highway and a secondary road may be granted except within a "daylighted" area.

Access openings may be granted within the widened portion of a channelized intersection in the event the median is over seven hundred and fifty feet long. Access may be authorized five hundred feet or more from the center of an intersection and not closer than two hundred and fifty feet to the end of the median, provided another access is constructed beyond the widened portion of the intersection and the access points are connected with a frontage road.

Existing access within the above limits may be allowed to remain or the commission may elect to relocate the access or acquire the access rights.

Access may be directly opposite a primary road or secondary road in instances of a "T" intersection.

Access will not be permitted onto a secondary road within the primary road right of way or area acquired for "daylighting" the intersection.

**10.2 (3) Property Lines.** Centerline of entrance at edge of slab shall be no closer than thirty feet to property line extended. (The property line extension from the right of way line to the centerline shall be at right angles to the centerline of the highway.)

An entrance to serve two properties may be established centered on the property line by mutual agreement of the property owners and the commission.

**10.2 (4) Number and Arrangement of Entrances.** In general, noncommercial developments will be granted access where needed to the primary road, provided safety and construction standards are satisfactory.

**10.2 (5) Width of Entrance.** An entrance shall have a top width of not less than eighteen feet or more than twenty-four feet measured parallel to the edge of the slab at culvert line.

An entrance to serve two properties shall have a top width of not less than twenty-four feet nor greater than thirty feet measured as above.

**10.2 (6) Entrance Angle.** The centerline of the entrance shall be as near ninety degrees as site conditions will permit. Normally the centerline of that part of the entrance lying on the right of way shall be at right angles to the pavement for a minimum distance of thirty feet from the near edge of the pavement.

**10.2 (7) Return Radii.** An entrance of this classification shall be flared with radii no more than fifteen feet. Radii shall be measured from edge of slab.

**10.2 (8) Slope and Cross-Section of Entrance.** The finished surface elevation of the driveway over the pipe, or place where pipe would normally be, shall be not less than four inches lower than shoulder elevation at the centerline of the entrance to prevent water draining onto the pavement or traveled way.

The side slopes on the entrance shall not be steeper than 2:1.

## SECTION 11

ACCESS TO CLASS II, III, IV HIGHWAYS  
IN BUILT-UP AREA WHERE ACCESS RIGHTS  
HAVE NOT BEEN ACQUIRED

**11.1 Noncommercial, Commercial or Industrial.** Applicant is urged to contact the resident maintenance engineer for clarification of the following requirements:

**11.1 (1) Intersections.** (See Plate No. 1, page 33.)

At street intersections on a primary road extension in built-up area, the minimum length of curb around the radius of a street return shall be determined as follows:

On the primary road extension the beginning of curb drop for the entrance shall be no closer than the chord distance "R" (the radius of the curb return) measured from the point the angular bisector of the line of curves meets the back of curb.

On the intersecting street, the curb drop for the entrance shall be no closer than the chord distance "R/2" (one-half the radius of the curb return) measured from the point the angular bisector of the line of curves meets the back of curb.

When a primary road extension is improved, existing entrances shall be modified to conform to entrance requirements as stated above. Where these requirements would necessitate alteration of existing facilities for practical operation or where purchase of access rights are not economically feasible, the distances "R" and "R/2" may be reduced twenty percent.

If the intersection does not have existing or planned curb and gutter to define the radius, the following right of way and traveled way assumptions shall be applied to the above formula for determining the location of the entrance:

Minimum width of traveled way of the primary road extension—forty-nine feet back to back of curbs. (If right of way width is less than sixty-six feet—traveled way shall be assumed as seventy-five percent of platted width of primary road extension.)

Minimum width of traveled way of the intersecting local road—thirty-one feet back to back of curbs.

Minimum radius of curb return where interior angle of line of curb is between thirty degrees and one hundred twenty degrees—twenty-five feet.

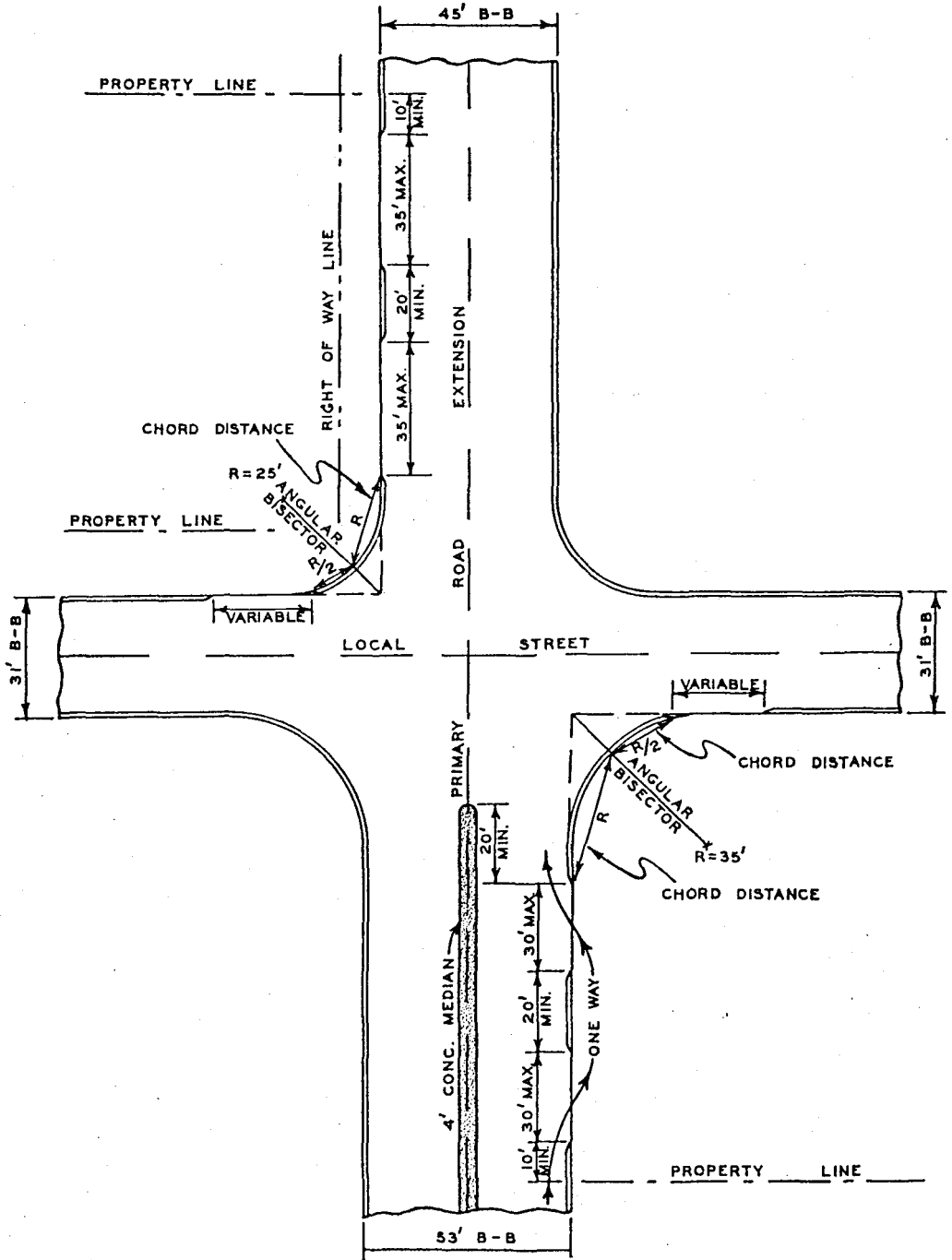
If interior angle of line of curb is greater than one hundred twenty degrees minimum radius to be fifty feet.

If interior angle of line of curb is less than thirty degrees minimum radius of return to be twenty feet.

(Also see Plate No. 1, page 33.)

**11.1 (2) Channelized Intersection or Divided Highway.** When there is a median in the primary road extension and/or the intersecting street, the curb drop for the entrance shall be determined as stated above except that at the

**PLATE NO. 1**  
**ENTRANCES AT INTERSECTIONS**  
**IN BUILT-UP AREAS**



beginning or end of the median, or at a median break the nearest edge of the curb drop for an entrance shall not be closer than twenty feet from the end of the median measured at right angles to the median.

**11.1 (3) Property Lines.** Curb drop for entrances shall not be closer than ten feet from the property line extended on an interior lot line. (The property line extension from the right of way line to the centerline shall be at right angles to the centerline of the highway.) (When improving a primary road or primary road extension on its present location, curb drop may, if necessary because of existing abutting development, be reduced to five feet from property line extended.)

An entrance to serve two properties may be established centered on the property line by mutual agreement of the property owners and the commission.

**11.1 (4) Number and Arrangement of Entrances for Class II and Class III Highways.** In general, residential and commercial developments (other than service stations) will be granted one access point to the primary road or primary road extension. Service stations with adequate frontage will be granted two points of access to the primary road or primary road extension.

Additional access will be considered for commercial development with one hundred fifty feet frontage or more on a primary road or primary road extension and such development does not abut or have access to another street.

In an instance where more than one access is permitted to the primary road or primary road extension from an abutting property, there shall be a minimum of twenty feet between the near edges of the curb drops for driveways.

**11.1 (5) Number and Arrangement of Entrances for Class IV Highways.** Residential and commercial developments will be granted one or more access points where needed to the primary road or primary road extension, provided safety and construction standards are satisfactory.

**11.1 (6) Width of Entrances.**

**11.1 (6) (1) Residential\*.** Twenty-four feet maximum. (May be increased to thirty-five feet to serve two properties.)

**11.1 (6) (2) Commercial\*.** Thirty feet maximum for one-way use on divided highway. (May be increased to forty-five feet to serve two properties.) Forty-five feet maximum for two-way use in all cases.

**11.1 (6) (3) Special Commercial, Industrial or Miscellaneous\*.** Each case will require special study.

**11.1 (7) Entrance Angle.** In general, entrance angle will be as near ninety degrees to centerline of highway as site conditions will permit.

\*The total length of curb openings on a primary road or primary road extension for access to a property abutting the road or extension shall not exceed sixty percent of the property frontage.

Entrances established for two-way operation for service stations or developments where two access points are authorized shall be sixty degrees to ninety degrees to centerline.

In those instances on a divided highway where two access points are authorized for one-way operation the "ingress" may be forty-five degrees to sixty degrees to centerline and the "egress" shall be sixty degrees to ninety degrees to centerline.

## SECTION 12

### ACCESS FOR SPECIAL COMMERCIAL DEVELOPMENTS ON CLASS II, III AND IV HIGHWAYS

**12.1** Facilities which serve type of enterprise which generates heavy concentration of vehicles such as drive-in theaters, race tracks, baseball parks, amusement centers, shopping centers, industrial parks, etc., will require special study to be co-ordinated with commission planning and design sections to determine what facilities are required.

Time requirements set forth in section 3.4 may be extended if necessary.

## SECTION 13

### UNIFORMITY OF THE APPLICATION OF RULES AND REGULATIONS

**13.1** Nothing herein contained shall deprive the commission in the exercise of sound and reasonable discretionary judgment to make such exceptions to these rules as may appear reasonable.

## PART III

### CLASSIFICATION OF PRIMARY HIGHWAYS FOR

#### ACCESS CONTROL

[Filed and indexed December 10, 1962]

[For a list of access control locations contact the Iowa State Highway Commission, Ames, Iowa.]

## SPECIAL PERMITS

[Filed December 10, 1962; amended July 31, 1964]

## CHAPTER II

### OPERATION AND MOVEMENT OF VEHICLES OF EXCESS SIZE AND WEIGHT

**2.1 (321) General Stipulations.** All permits issued by the commission will be subject to the following general stipulations:

**2.1 (1)** Any permit issued by the Iowa state highway commission conveys no authority for movements over any extension of a primary road in a city or town, over any other city or town street or over any secondary road. Permits for movements over secondary roads and city streets must be secured in writing from

the local authorities with respect to highways or streets under their jurisdiction.

**2.1 (2) By Whom Issued.** All permits for the movement of oversize vehicles or vehicle and load on the primary road system of Iowa will be issued only through traffic and highway planning department, of the Iowa state highway commission in Ames, Iowa.

**2.1 (3)** The state of Iowa and the Iowa state highway commission assume no responsibility for the property of the applicant.

**2.1 (4)** During the moving of a vehicle or object under a permit, the applicant shall take all responsible 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 the Iowa state highway commission harmless of any damages that may be sustained by the traveling public or adjacent property owners on account of such moving.

**2.1 (5)** The applicant shall hold the state and the state highway commission harmless from any damages that may result to the primary highway system by movements made hereunder and shall reimburse the state or the state highway commission for any expenditure which the state or the state highway commission may have to make on account of the applicant's moving operations.

**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 321, Code of 1962, as amended shall then apply.

**2.1 (8)** No permit shall grant authority for operation of any vehicle or combination of vehicles which is of illegal dimension when unladen.

**2.1 (9)** Permits are valid only for the transportation of a single article which exceeds statutory size or weight limits of 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)** The gross weight, including tolerance, for any group of axles shall not exceed the following wheelbase and weight table.

Maximum Gross Load, Including Tolerance, on Groups of Two or More Axles or on Entire Vehicle or Combination of Vehicles.

Wheel-Base	Maximum Loading Pounds		Wheel-Base	Maximum Loading Pounds	
	Feet Legal	With Permit		Feet Legal	With Permit
4	32,960	34,000	26	55,815	66,000
5	32,960	34,000	27	56,802	68,000
6	32,960	34,000	28	57,777	70,000
7	32,960	34,000	29	58,741	72,000
8	35,219	48,000	30	59,681	74,000
9	36,266	48,000	31	60,785	76,000
10	37,724	48,000	32	61,888	78,000
11	39,134	48,000	33	62,992	80,000
12	41,356	48,000	34	64,096	81,000
13	42,434	48,000	35	65,200	82,000
14	43,500	48,000	36	66,303	83,000
15	44,566	48,000	37	67,407	84,000
16	45,620	48,000	38	68,511	85,000
17	46,675	48,000	39	69,615	86,000
18	47,719	50,000	40	70,718	87,000
19	48,750	52,000	41	71,822	88,000
20	49,783	54,000	42	72,926	89,000
21	50,803	56,000	43	73,280	90,000
22	51,824	58,000	44	73,280	90,000
23	52,833	60,000	45	73,280	90,000
24	53,830	62,000	46	73,280	90,000
25	54,828	64,000	47	73,280	90,000

Maximum

**2.2 (321) Types.** The following permits together with their limitations and stipulations will be issued by the Iowa state highway commission for the movement of vehicles only over the rural primary road system.

**2.2 (1) Annual Permits.** (Issued for a period of one year).

*a. Motor Vehicle Transporters*—see sections 321.457 and 321.467.

*b. Agricultural Machinery and Equipment.* (Dealer). Loaded vehicle(s) for trips between nearest branch house or distribution point to the dealer or from the dealer to his customer in the local or adjoining county, must not exceed the following dimensions and weights:

(1) Width—9 feet, 6 inches,

(2) Length (legal, no towing permitted)—see section 321.457 of the 1962 Code of Iowa.

(3) Height—13 feet, 10 inches,

(4) Weight (legal including all tolerances)—18,540 pounds (single axle), 32,960 pounds (tandem axle), or 73,280 pounds (total gross weight).

**2.2 (2) Special Permits.** (unrestricted). These permits shall be valid for travel over any portion of the rural primary highway system, without escort, but not including the interstate highway system.

*a. Construction Machinery and Equipment.* Loaded vehicle(s) must not exceed the following dimensions and weights:

(1) Width—11 feet, 9 inches,

(2) Length (front projection of 15 feet, 0 inches)—not to exceed legal plus 15 feet, 0 inches.

(3) Height—13 feet, 10 inches,

(4) Weight (including all tolerances)—18,540 pounds (single axle), 34,000 pounds (two axle tandem), 42,000 pounds (three axle tandem), 73,280 pounds (total gross weight).

*b. Construction Material — Short Trips.* Loaded vehicle(s), for trips of twenty-five miles or less, must not exceed the following dimensions and weights:

(1) Width—9 feet, 6 inches, for legal length or 8 feet (legal width) for lengths up to 70 feet,

(2) Height (legal)—13 feet, 6 inches,

(3) Weight (legal including all tolerances)—18,540 pounds (single axle), 32,900 pounds (tandem axle), or 73,280 pounds (total gross weight).

*c. Construction Materials — Long Trips.* Loaded vehicle(s), for trips greater than twenty-five miles, must not exceed the following dimensions and weights:

(1) Width (legal)—8 feet,

(2) Length—65 feet,

(3) Height (legal)—13 feet, 6 inches,

(4) Weight (legal including all tolerances)—18,540 pounds (single axle), 32,960 pounds (tandem axle), or 73,280 pounds (total gross weight).

*d. Transmission Poles and Gas Pipe—Short Trips.* Loaded vehicle(s) for trips of twenty-five miles or less, must not exceed the following dimensions and weights:

(1) Width (legal)—8 feet,

(2) Length—100 feet,

(3) Height (legal)—13 feet, 6 inches,

(4) Weight (legal including all tolerances)—18,540 pounds (single axle), 32,960 pounds (tandem axle), or 73,280 pounds (total gross weight).

*e. Transmission Poles and Gas Pipes—Long Trips.* Loaded vehicle(s) for trips greater than twenty-five miles, must not exceed the following dimensions and weights:

(1) Width (legal)—8 feet,

(2) Length—65 feet,

(3) Height (legal)—13 feet, 6 inches,

(4) Weight (legal including all tolerances)—18,540 pounds (single axle), 32,960 pounds (tandem axle), or 73,280 pounds (total gross weight).

*f. Agricultural Machinery and Equipment—Short Trips.* Loaded vehicle(s) for trips of twenty-five miles or less must not exceed the following dimensions and weights:

(1) Width—11 feet, 9 inches,

(2) Length—legal except when towing a portable elevator when 60 feet is permitted,

(3) Height—13 feet, 10 inches,

(4) Weight (legal including all tolerances)—18,540 pounds (single axle), 32,960 pounds (tandem axle), or 73,280 pounds (total gross weight).

*g. Portable Buildings—Short Trips.* Loaded vehicle(s) for trips of twenty-five miles or less must not exceed the following dimensions and weights:

(1) Width—12 feet, 6 inches,

(2) Length (legal)—see section 321.457 of the 1962 Code of Iowa,

(3) Height—13 feet, 10 inches,

(4) Weight (legal including all tolerances)

—18,540 pounds (single axle), 32,960 pounds (tandem axle), or 73,280 pounds (total gross weight).

**2.2 (3) Special Permits (restricted.)** These permits shall be valid for travel only over a specified route of the rural primary highway system, without escort, but not including any portion of the interstate highway system.

*a. Construction Machinery and Equipment.* Loaded vehicle(s) over specified route(s) with origin or destination (or both) in Iowa, must not exceed the following dimensions and weights:

(1) Width—11 feet, 9 inches,

(2) Length (front end projection of 15 feet)—not to exceed legal plus 15 feet, 0 inches,

(3) Height—13 feet, 10 inches,

(4) Weight (including all tolerances) — 18,540 pounds (single axle), 34,000 pounds (two axle tandem), 42,000 pounds (three axle tandem), or 75,000 pounds (total gross weight).

*b. Construction Materials.* Loaded vehicle(s) over specified route(s) with origin or destination (or both) in Iowa, must not exceed the following dimensions and weights:

(1) Width—9 feet, 6 inches for legal length or 8 feet, 0 inches (legal) for lengths up to 70 feet,

(2) Height—13 feet, 6 inches,

(3) Weight (legal including all tolerances)—18,540 pounds (single axle), 32,960 pounds (tandem axle), or 73,280 pounds (total gross weight).

*c. Transmission Poles and Gas Pipe.* Loaded vehicle(s) over specified route(s) with origin or destination (or both) in Iowa, must not exceed the following dimensions and weights:

(1) Width (legal)—8 feet,

(2) Length—70 feet,

(3) Height (legal)—13 feet, 6 inches,

(4) Weight (legal including all tolerances)—18,540 pounds (single axle), 32,960 pounds (tandem axle), or 73,280 pounds (total gross weight).

*d. Agricultural Machinery and Equipment—Short Trips.* Loaded vehicle(s) for trips of twenty-five miles or less must not exceed the following dimensions and weights:

(1) Width—11 feet, 9 inches,

(2) Length—legal except when towing a portable elevator when 60 feet is permitted,

(3) Height—13 feet, 10 inches,

(4) Weight (legal including all tolerances)—18,540 pounds (single axle), 32,960 pounds (tandem axle), or 73,280 pounds (total gross weight).

*e. Agricultural Machinery and Equipment—Long Trips.* Loaded vehicle(s) for trips greater than twenty-five miles must not exceed the following dimensions and weights:

(1) Width—9 feet, 6 inches,

(2) Length—legal,

(3) Height—13 feet, 10 inches,

(4) Weight (legal including all tolerances)—18,540 pounds (single axle), 32,960 pounds (tandem axle), or 73,280 pounds (total gross weight).



f. *Buildings*. Loaded vehicle(s) for trips of twenty-five miles or less over specified route(s) with origin or destination (or both) in Iowa, must not exceed the following dimensions and weights:

- (1) Width—14 feet,
- (2) Length—legal,
- (3) Height—No limit on height; where utility lines must be raised, permission must be obtained from the company (or companies) in charge,
- (4) Weight (legal including all tolerances)—18,540 pounds (single axle), 32,960 pounds (tandem axle), or 73,280 pounds (total gross weight).

2.2 (4) *Special Permits* (restricted with civilian escort). These permits shall be valid for travel only over a specified route of the rural primary highway system, with a civilian escort, but not including any portion of the interstate highway system. The Iowa state highway commission shall approve the type of equipment for transportation and shall train the personnel used for escorting.

a. *Construction Machinery and Equipment*. Loaded vehicle(s) over specified route(s) with origin or destination (or both) in Iowa, must not exceed the following dimensions and weights:

- (1) Width—12 feet,
- (2) Length (front end projection of 15 feet)—not to exceed legal plus 15 feet, 0 inches,
- (3) Height—13 feet, 10 inches,
- (4) Weight (including all tolerances)—18,540 pounds (single axle), 34,000 pounds (two axle tandem), 48,000 pounds (three axle tandem), or 90,000 pounds (total gross weight).

b. *Construction Materials*. Loaded vehicle(s) over specified route(s) with origin or destination (or both) in Iowa, must not exceed the following dimensions and weights:

- (1) Width (legal)—8 feet,
- (2) Length—100 feet,
- (3) Height—13 feet, 10 inches,
- (4) Weight (legal including all tolerances)—18,540 pounds (single axle), 32,960 pounds (tandem axle), or 73,280 pounds (total gross weight).

c. *Transmission Poles and Gas Pipe*. Loaded vehicle(s) over specified route(s) with origin or destination (or both) in Iowa, must not exceed the following dimensions and weights:

- (1) Width (legal)—8 feet,
- (2) Length—100 feet,
- (3) Height—13 feet, 6 inches,
- (4) Weight (legal including all tolerances)—18,540 pounds (single axle), 32,960 pounds (tandem axle), or 73,280 pounds (total gross weight).

d. *Agricultural Machinery and Equipment*. No special permits requiring civilian escort are issued by the Iowa state highway commission.

e. *Buildings*. Loaded vehicle(s) for trips of twenty-five miles or less over specified route(s) with origin or destination (or both) in Iowa, must not exceed the following dimensions and weights:

(1) Width—Variable with a maximum of eighteen feet. No permits will be issued for movements of buildings with civilian escort unless one lane of highway is vacant to accommodate oncoming or passing traffic. The use of shoulders will be permitted only during periods when such use will cause no damage,

(2) Length (legal)—see section 321.457 of 1962 Code of Iowa,

(3) Height—no limit where utility lines must be raised, permission must be obtained from company in charge,

(4) Weight (legal including all tolerances)—18,540 pounds (single axle), 32,960 pounds (tandem axle), or 73,280 pounds (total gross weight).

2.2 (5) *Special Permits* (restricted with police escort). These permits shall be valid for travel only over a specified route of the rural primary highway system, with police escort, but not including any portion of the interstate system. The Iowa state highway commission will furnish police escort at a nominal charge for movements of equipment and vehicles of an unusual nature which are not covered by the above types of permits, or cases where a mover cannot furnish adequate civilian escorts as set forth. Each request for such permit will be considered individually, taking into consideration the distance of the haul, the dimensions of the loaded vehicle and weight of the individual axles as well as the total gross weight.

a. *Construction Machinery and Equipment*. This type of permit provides for the movement of large construction equipment when the equipment is so loaded that only the front axle is resting on the hauling vehicles, the remaining axle or axles being towed or fully loaded on vehicle(s) over specified route(s) with origin or destination (or both) in Iowa, must not exceed the following dimensions and weights:

- (1) Width—12 feet,
- (2) Length—70 feet,
- (3) Height—13 feet, 10 inches,
- (4) Weight (legal including all tolerances)—18,540 pounds (single axle), 34,000 pounds (two axle tandem), 48,000 pounds (three axle tandem assembly), or 90,000 pounds (total gross weight).

b. *Construction Material*. Loaded vehicle(s) with origin or destination (or both) in Iowa, must not exceed the following dimensions and weights:

- (1) Width—12 feet,
- (2) Length—100 feet,
- (3) Height—13 feet, 10 inches,
- (4) Weight (legal including all tolerances)—18,540 pounds (single axle), 32,960 pounds (tandem axle), or 73,280 pounds (total gross weight).

c. *Transmission Poles and Gas Pipes*. Loaded vehicle(s) with origin or destination (or both) in Iowa, must not exceed the following dimensions and weights:

- (1) Width—legal,
- (2) Length—100 feet,

(3) Height—legal,

(4) Weight (legal including all tolerances)—18,540 pounds (single axle), 32,960 pounds (two axle tandem), or 73,280 pounds total gross weight).

*d. Agricultural Machinery and Equipment.* No special permits requiring police escort are issued for the movement of agricultural machinery and equipment.

*e. Buildings.* Loaded vehicle(s) for trips of twenty-five miles or less and width greater than eighteen feet over specified route(s) with origin or destination (or both) in Iowa, must not exceed the following dimensions and weights:

(1) Width—Variable with a maximum of twenty-four feet. Unless otherwise authorized by specific action of the commission, no special permits will be issued for movements of buildings with police escort unless one lane of the highway is vacant to accommodate oncoming or passing traffic. The use of shoulders will be permitted only during periods when such use will cause no damage,

(2) Length—65 feet,

(3) Height—No limit. Where utility lines must be raised, permission must be obtained from the company in charge,

(4) Weight—(legal including all tolerances)—18,540 pounds (single axle), 32,960 pounds (tandem axle), or 73,280 pounds (total gross weight).

**2.2 (6) Special Permits** (unrestricted for oversize mobile homes and house trailers). These permits shall be valid for travel over any portion of the rural primary highway system having a surface width of twenty-two feet or more, without escort, but not including the interstate highway system. The following rules shall apply to all such permits issued for the movement of oversize mobile homes or house trailers:

*a.* Hauling vehicle must be an Iowa registered vehicle.

*b.* Hauling vehicle when unladen must not exceed the following legal dimensions as specified in the Code of Iowa:

(1) Width—8 feet,

(2) Height—13 feet, 6 inches,

(3) Length—Legal.

*c.* The power unit of the hauling or towing vehicle must have a minimum rated capacity of one and one-half tons and be equipped with dual wheels on the rear axle.

*d.* Vehicle and load must not exceed the following dimensions and weights:

(1) Overall width—10 feet, 9 inches,

(2) Length—70 feet,

(3) Height—13 feet, 10 inches,

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

*e.* Red flags shall be mounted on the four extreme corners of the vehicle or load, or both.

*f.* The speed limit shall not exceed thirty-five miles per hour or the established speed limit whichever is lower.

*g.* The driver of the hauling vehicle shall

give due consideration to the traveling public and shall pull over to the side of the road at safe locations in order to provide a passing opportunity for following vehicles desiring to travel faster than the prescribed speed of the hauling unit.

*h.* Whenever a trip cannot be completed during daylight hours of a single day, the hauling vehicle and load shall be parked overnight off of the public right of way prior to sundown and shall remain there until after sunrise of the following day.

**2.2 (7) Special Permits** (restricted for oversize mobile homes and house trailers). These permits shall be valid for travel only over a specified route of the rural primary highway system in which not more than twenty-five miles has a surface width of less than twenty feet, without escort, but not including any portion of the interstate highway system. The following rules shall apply to all such permits issued for the movement of oversize mobile homes or house trailers.

*a. To Whom Issued.* Restricted special permits for the movement of mobile homes or house trailers can be issued to the following:

(1) Manufacturers for deliveries from the factory to points outside of Iowa and to dealers or individuals within Iowa.

(2) Iowa dealers for receiving deliveries from factories outside of Iowa and for deliveries to individuals within Iowa or outside Iowa.

(3) To qualified carriers with Iowa commerce commission or interstate commerce commission permits for movements into, out of, and through Iowa.

*b. By Whom Issued.* All permits for the movement of oversize mobile homes or house trailers will be issued only through Traffic and Highway Planning Department, of the Iowa State Highway Commission in Ames, Iowa.

*c.* Hauling vehicle must be a properly licensed vehicle.

*d.* Hauling vehicle when unladen must not exceed the following legal dimensions as specified in the Code of Iowa:

(1) Width—8 feet,

(2) Height—13 feet, 6 inches,

(3) Length—Legal.

*e.* The power unit of the hauling or towing vehicle must have a minimum rated capacity of one and one-half tons and be equipped with dual wheels on the rear axle.

*f.* Vehicle and load must not exceed the following dimensions and weights:

(1) Overall width—10 feet, 9 inches,

(2) Length—70 feet,

(3) Height—13 feet, 10 inches,

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

*g.* Red flags shall be mounted on the four extreme corners of the vehicle or load, or both.

*h.* The speed limit shall not exceed thirty-five miles per hour or the established speed limit whichever is lower.

*i.* The driver of the hauling vehicle shall

give due consideration to the traveling public and shall pull over to the side of the road at safe locations in order to provide a passing opportunity for following vehicles desiring to travel faster than the prescribed speed of the hauling unit. This shall be done as soon as conveniently possible after a queue of two or more vehicles have accumulated in back of the hauling unit.

j. Whenever a trip cannot be completed during daylight hours of a single day, the hauling vehicle and load shall be parked overnight off of the public right of way prior to sundown and shall remain there until after sunrise of the following day.

**2.2 (8) Civilian Escort.** When a civilian escort is required for the movement of oversize or overweight equipment and materials the hauler shall abide by the following rules:

a. Each load will be preceded by a pilot vehicle (car or pickup) furnished by the hauler, at a distance of approximately three hundred feet. The driver of the pilot vehicle will 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.

b. When so specified by the Iowa state highway commission the driver will direct traffic over all bridges in order that the loaded vehicle may cross over such specified bridges by straddling the center line.

c. The pilot vehicle shall be equipped with a white sign three feet high and four feet wide on which the word "CAUTION" is painted in red. This sign shall be mounted on the top of the pilot car. A similar sign shall be mounted on the top of the truck-tractor pulling the load. Also a sign of similar size with the word "CAUTION" in red letters across the top portion and "LONG or WIDE LOAD" in black letters across the lower portion of the sign, shall be placed on the rear of the load in an appropriate location so as to warn traffic approaching from the rear of the danger in passing. Two red flags shall be mounted in holders on the front bumper of both the pilot car and the truck-tractor and sufficient red flags shall be strategically placed on the rear of the load to warn the traveling public of an unusually long or wide load.

d. Speed of these loads shall not exceed forty miles per hour.

e. All traffic laws shall be obeyed.

f. The equipment for each company desiring to provide their own escort shall be instructed and inspected by a representative of the Iowa state highway commission prior to the issuance of the permit.

g. A separate escort shall be provided for each piece of equipment hauled under escort.

**2.2 (9) Performance Bond, Insurance, Cost and Revocation of Permits for Mobile Homes and House Trailers.**

a. Immediately after the first conviction of any of the permit rules or motor vehicle laws of Iowa the holder of special mobile home or

house trailer permit shall be required to post a bond in the amount of five hundred dollars with the highway commission acknowledging the stipulations of the permit and agreeing to the forfeiture of said bond to the commission for noncompliance of any of the stipulations of the permit or motor vehicle laws of Iowa. The bond shall be forfeited without prior notice upon the next conviction of noncompliance of the terms of the permit or the motor vehicle laws of Iowa.

b. Public liability insurance in the amount of \$100,000/\$200,000 and \$20,000 property damage insurance shall be required on all units moving oversize mobile homes or house trailers.

c. A service charge of six dollars will be charged for each restricted special mobile home or house trailer permit issued for the movement of mobile homes and house trailers. Such fee shall be paid to the Iowa state highway commission prior to the time the permit is to be issued.

d. A service charge of ten dollars will be charged for each unrestricted special mobile home or house trailer permit issued to an individual vehicle for the movement of nonspecified mobile homes or house trailers. Such fee shall be paid to the Iowa state highway commission prior to the time the permit is to be issued.

**2.2 (10) Cost of Permits for Vehicles of Excess Size and Weight—other than for Mobile Homes and House Trailers.**

a. A service charge of three dollars will be charged for each restricted special permit other than for mobile homes and house trailers. Such fee shall be paid to the Iowa state highway commission prior to the time the permit is to be issued.

b. A service charge of ten dollars will be charged for each unrestricted special permit other than for mobile homes and house trailers. Such fee shall be paid to the Iowa state highway commission prior to the time the permit is to be issued.

c. A service charge of ten dollars will be charged for each annual permit issued to an individual vehicle. Such fee shall be paid to the Iowa state highway commission prior to the time the permit is to be issued.

These rules are intended to implement sections 307.5 (14), 321.457 and 321.467 through 321.469 of the Code.

#### SPECIAL PERMITS FOR THE MOVEMENT OF OVERSIZE MOBILE HOMES AND HOUSE TRAILERS

[Filed and indexed December 10, 1962]

Part I. Authority: Section 321.467 of the Code of Iowa.

Part II. Rules and Regulations.

For purposes of administering these sections of the Code of Iowa the state highway

commission will issue single trip permits for movement of house trailers and mobile homes of dimensions greater than those specified in the Code of Iowa for distances greater than twenty-five miles according to the following.

*A. To Whom Issued:*

1. Iowa manufacturers for deliveries from the factory within Iowa to points outside of Iowa and to dealers or individuals within Iowa.

2. Iowa dealers for receiving deliveries from factories outside of Iowa and for deliveries to individuals within Iowa.

3. Individual owners moving to other points within Iowa, into Iowa, or to points outside of Iowa due to a change in the location of employment.

*B. By Whom Issued:*

All permits for the movement of oversize mobile homes or house trailers will be issued only through traffic and highway planning department, of the Iowa state highway commission in Ames, Iowa.

*C. Compliance with the Code of Iowa:*

Permits will be issued only after the shipper and carrier has signed and submitted an affidavit stating the object requested to be moved is a house trailer or mobile home as defined by section 321.1, 1958 Code of Iowa as amended including:

a. That the vehicle is a trailer or semi-trailer equipped for use as a conveyance on streets and highways.

b. The unit shall be designed as a dwelling place, living abode or sleeping place.

c. The unit shall be equipped as a dwelling place, living abode or sleeping place.

*D. General Stipulations:*

The general stipulations which apply to all special movement permits issued by the Iowa state highway commission shall apply to permits issued for the movement of oversize mobile homes or house trailers. These general stipulations are as follows:

1. Permits will be issued only for the movement on or by transporting vehicles which are properly registered or licensed as required by law.

2. All lights and brakes shall be maintained in good working condition.

3. All equipment and the loads thereon shall be operated according to the requirements of the motor vehicle law and other laws which may be applicable.

4. No movement shall be made on Saturday, Sunday or on holidays or between the hours of sunset and sunrise on any day.

5. The state of Iowa and the Iowa state highway commission assume no responsibility for the property of the applicant.

6. During the moving of a vehicle or object under a permit, the applicant shall take all reasonable precautions to protect and safeguard the lives and property of the traveling public and adjacent property owners, and

shall save the state of Iowa and the Iowa state highway commission harmless of any damages that may be sustained by the traveling public or adjacent property owners on account of such movement.

7. The applicant shall hold the state and the state highway commission harmless from any damages that may result to the highway by movements made hereunder and shall reimburse the state of Iowa or the state highway commission for any expenditures which the state or the state highway commission may have to make on account of the applicant's moving operations.

8. 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.

9. 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 weights and dimensions, chapter 321, 1958 Code of Iowa, as amended shall then apply.

10. The permit does not grant authority for operation of any vehicle, or combination of vehicles, which is of illegal dimensions when unladen except when the overdimension vehicle is being towed.

11. The permit is valid only for the transporting of a single article which exceeds statutory size or weight limits, or both, and which can not 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.

*E. Special Stipulations:*

The following rules shall apply to all permits issued for the movement of oversize mobile homes or house trailers for distances greater than twenty-five miles.

1. The movement shall be made only on a low-boy truck-tractor semitrailer combination when the trip requires the travel on eighteen-foot surface width pavement for a distance in excess of ten miles.

2. Over a specified route as determined by the traffic and highway planning department of the Iowa state highway commission.

3. Hauling vehicle and driver must be properly licensed and must have authority issued by the interstate commerce commission or the Iowa commerce commission.

4. Hauling vehicle when unladen must not exceed the legal dimensions as specified in the Code of Iowa: Width eight feet, height twelve feet six inches, and length fifty feet for combinations.

5. The power unit of the hauling or towing vehicle must have a minimum rated capacity of one and one-half tons and be equipped with dual wheels on the rear axle.

6. Vehicle and load must not exceed the following dimensions and weights:

Width—10 feet 9 inches	Length—70 feet
Height—13 feet 10 inches	Weight—Legal

7. Red flags shall be mounted on the four extreme corners of the vehicle and/or load; also single amber flashing lights of no less than six inches in diameter shall be mounted on the extreme rear end of the vehicle or load whichever extends the farther distance.

8. The speed limit shall not exceed thirty-five miles per hour or the established speed limit whichever is lower.

9. The driver of the hauling vehicle shall give due consideration to the traveling public and shall pull over to the side of the road at safe locations in order to provide a passing opportunity for following vehicles desiring to travel faster than the prescribed speed of the hauling unit. This shall be done as soon as conveniently possible after a queue of two or more vehicles have accumulated in back of the hauling unit.

10. Whenever a trip can not be completed during daylight hours of a single day, the hauling vehicle and load shall be parked overnight off of the public right of way prior to sundown and shall remain there until daylight of the following day.

*F. Performance Bond, Insurance and Revocation of Permits:*

1. A performance bond in the amount of \$1000.00 shall be provided to the highway commission at the time the initial permit is issued acknowledging the stipulations of the permit and agreeing to the forfeiture of said bond to

the commission for noncompliance of any of the stipulations of the permit.

2. Public Liability Insurance in the amount of \$100,000/\$200,000 and \$20,000 property damage insurance shall be required on all units moving oversize mobile homes or house trailers.

3. No permit will be issued for through state movements and any secondary shipments to accomplish this purpose will be grounds for the suspension of all existing permits, the denial of all future requests for permits, and the forfeiture of the performance bond even though the secondary movement was made with a permit issued by another governmental authority.

4. A service charge of six dollars will be charged for each permit issued for the movement of mobile homes and house trailers. Such fee shall be paid to the Iowa state highway commission prior to the time the permit is to be issued.

5. All house trailers and mobile homes being delivered to the consumer shall be registered according to the Code of Iowa and evidence that the use or sales tax has been paid to the state of Iowa shall accompany the application for its movement.

### CHAPTER III

#### MANUAL ON UNIFORM TRAFFIC CONTROL DEVICES FOR STREETS AND HIGHWAYS

3.1 The manual filed herewith, entitled as above, and dated January 9, 1963 shall constitute the manual and specifications for a uniform system of traffic control devices for use upon the highways of this state.

[Filed March 11, 1965]

(Editor's note: For information in regard to the manual, address the State Highway Commission offices at Ames, Iowa.)

# INDUSTRIAL COMMISSIONER

## WORKMEN'S COMPENSATION SERVICE Rules of Practice

[Filed November 18, 1963]

**1.1 (86) Injury and Settlement Reports.** The following blanks shall be prepared and distributed by the industrial commissioner for the computation, adjustment and settlement of non-controverted workmen's compensation claims.

(This rule is intended to implement section 86.8, subsection 2.)

**1.1 (1) Form No. 1. First Report of Injury.** Under section 86.11, of the Code, employers are required to file this form with the industrial commissioner within forty-eight hours after having notice or knowledge of an injury which temporarily disables an employee for more than seven days, or results in permanent disability, or death.

### State of Iowa

#### STANDARD FORM FOR WORKMEN'S COMPENSATION SERVICE

## EMPLOYER'S FIRST REPORT OF INJURY

Employers are required to file this report with the Iowa Industrial Commissioner, State Office Bldg., Des Moines, Iowa, when an injury temporarily disables an employee for more than seven days, or results in permanent disability, or death. Heads of all state departments must report all injuries if any medical or hospital expense is involved.

Employers are also required to report injuries resulting in disability of two days or more to the State Bureau of Labor, and should report all injuries to their insurance carrier.

<b>EMPLOYER</b>	1. Name of Employer _____
	2. Address: No. and st. _____ city or town _____
	3. Nature of business _____
	4. Insured by _____
	5. Address _____
<b>TIME AND PLACE</b>	6. Location of place where injury occurred _____
	7. Date of injury _____ 19____ Hour of injury _____ A.M. _____ P.M.
	8. Date disability began _____ Was injured paid in full for this day? _____
<b>INJURED EMPLOYEE</b>	9. When did employer or foreman first know of injury? _____
	10. Name of injured _____
	11. Address: No. and St. _____ city or town _____
	12. Check (✓) Married _____ Single _____ Male _____ Female _____ Age _____
	13. Children under 16, or incapacitated regardless of age _____
	14. Job classification _____ How long employed by you? _____
	15. No. hours worked per day _____ Wages per hour \$ _____
	16. No. of days worked per week _____ Wages per day \$ _____
	17. Additional amount employee received in room, board, tips, laundry, \$ _____
	<b>THE INJURY</b>
19. Was injury caused by failure of injured to use or observe safety appliance or regulation? _____	
20. Describe how injury occurred: _____ _____ _____	
21. Nature and extent of injury _____ _____ _____	
22. Has injured returned to work? _____ If so, date and hour _____	
23. If not, probable length of disability _____	
24. Name and address of physician _____	
25. Name and address of hospital _____	
26. Names and addresses of witnesses _____ _____ _____	
<b>FATAL CASES</b>	
	28. Name and address of widow or other dependents _____ _____

Do not write in this space

Date of this report \_\_\_\_\_ Firm name \_\_\_\_\_  
Signed by \_\_\_\_\_  
Official Title \_\_\_\_\_

1.1 (2) Form No. 2. Surgeon's Report. This report, or an equivalent report in letter form, must be filed with the industrial commissioner in support of an application for commutation and application for compromise settlement, and in other cases when requested.

Form No. 2

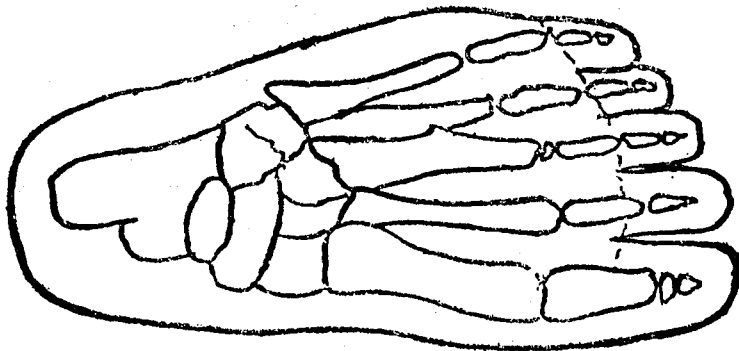
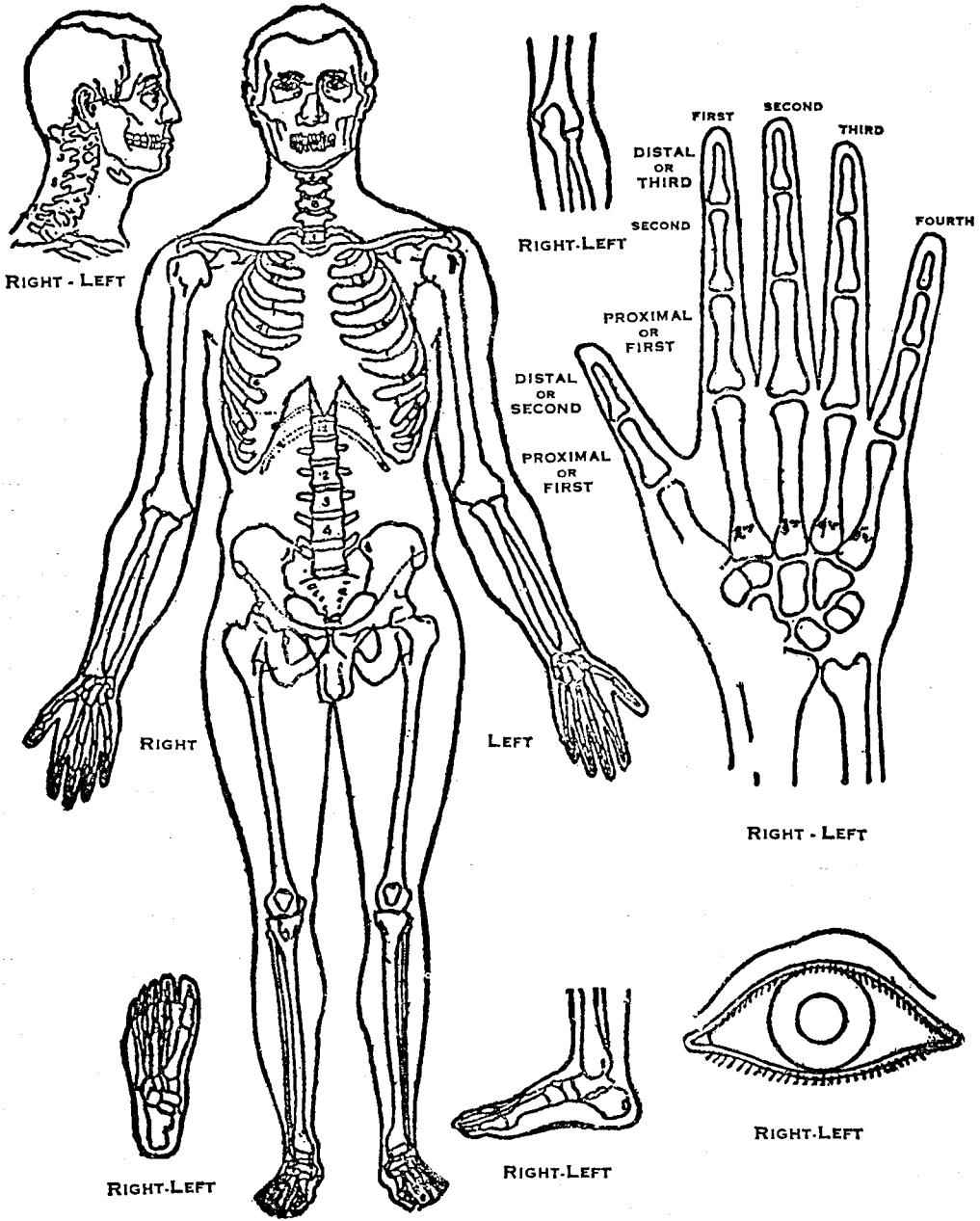
STANDARD FORM FOR SURGEON'S REPORT

Approved by I. A. I. A. B. C.

The Patient	1. Name of Injured Person: ..... Age:..... Sex: .....
	2. Address: No. and St. .... City or Town ... State .....
	3. Name and address of Employer: .....
The Injury	4. Date of injury: ..... Hour ..... M. Date disability began .....
	5. State in patient's own words where and how injury occurred .....
	6. Give accurate description of nature and extent of injury and your objective findings: .....
	7. Will the injury result in (a) Permanent defect? ..... If so, what? .....
	(b) Facial or head disfigurement? .....
	(Permanent disability such as loss of whole or parts of fingers, facial or head disfigurement, etc., must be accurately marked on the chart on reverse side of this report.)
	8. Is injury above referred to the only cause of patient's condition? ..... If not, state contributing causes: ...
	9. Is patient suffering from any disease of the heart, lungs, brain, kidneys, blood, vascular system or any other disabling condition not due to this injury? ..... Give particulars .....
	10. Has patient any physical impairment due to previous injury or disease?..... Give particulars .....
	11. Has normal recovery been delayed for any reason?..... Give particulars:.....
	Treatment
13. Describe treatment given by you .....	
14. Were X-Rays taken? ..... By whom? ..... When? .....	
(Name and Address)	
15. X-Ray diagnosis: .....	
(Name and Address)	
16. Was patient treated by anyone else? ..... By whom? ..... When .....	
17. Was patient hospitalized? ..... Name and address of hospital .....	
18. Date of admission to hospital ..... Date of discharge .....	
19. Is further treatment needed? ..... For how long? .....	
Disability	20. Patient <sup>will be</sup> <del>was</del> able to resume work on: .....
	21. Patient <sup>will be</sup> <del>was</del> able to resume light work on: .....
	22. If death ensued give date: .....
REMARKS: (Give any information not included above) .....	
..... I am a duly licensed physician in the state of .....	
I was graduated from ..... Medical School in ..... Year .....	
Date of this report: ..... (Signed).....	
This report must be signed personally by physician. Address: ..... Telephone .....	

(Note. Mark affected parts on chart, reverse side.)

(Over)





1.1 (3) Form No. 4. Memorandum of Agreement. Under section 86.13 of the Code, the employer or insurance carrier is required to file this form within thirty days after the payment of weekly compensation is begun. It is not necessary for the employee to sign the memorandum of Agreement.

# IOWA MEMORANDUM OF AGREEMENT as to Compensation

This memorandum to be filed by the employer or insurer with the Industrial Commissioner upon the first payment of weekly compensation.

EMPLOYEE	ADDRESS
EMPLOYER	ADDRESS
INSURANCE CARRIER	ADDRESS

Date of injury \_\_\_\_\_ Date disability began \_\_\_\_\_ If fatal, date of death \_\_\_\_\_

If temporary disability, probable duration thereof \_\_\_\_\_

Nature of injury \_\_\_\_\_

Cause and place of injury \_\_\_\_\_

Number of dependent children under 16 years or incapacitated \_\_\_\_\_

Name of dependent payee in death case \_\_\_\_\_

Employee's actual average daily earnings for the number of hours commonly regarded as a day's work for employment \_\_\_\_\_

Temporary disability and healing period weekly rate . . . . . \$ \_\_\_\_\_ .

Permanent partial disability and permanent total disability weekly rate . \$ \_\_\_\_\_ .

Death benefit weekly rate . . . . . \$ \_\_\_\_\_ .

Disfigurement (face or head) weekly rate . . . . . \$ \_\_\_\_\_ .

Weekly rates computed as follows: The actual daily wage x 300 + 52 x 66 2/3%, which rates are shown immediately above and which the undersigned agrees to pay in accordance with the requirements of the Iowa Workmen's Compensation Act. Agreement as to liability under the provisions thereof is being furnished to the Industrial Commissioner for his consideration, in compliance with the provisions of Code Sec. 86.13.

APPROVED

SIGNED

DEPUTY INDUSTRIAL COMMISSIONER

EMPLOYER

DATE

INSURANCE CARRIER

By

Date

1.1 (4) Form No. 5. Employer's Receipt. This report is to be signed by the employee when compensation is terminated or interrupted, and is to be filed with the industrial commissioner by the employer or insurance carrier, as the closing supplement to Form No. 4.

### Employers Report of Workmen's Compensation Benefit Payments Made in This Case and Employee's Receipt for Payments Made

(This form is required and must be submitted to the Department in order to show the amount paid for medical, burial and/or weekly benefits.)

NAME OF EMPLOYEE \_\_\_\_\_ ADDRESS \_\_\_\_\_  
 NAME OF EMPLOYER \_\_\_\_\_ ADDRESS \_\_\_\_\_  
 NAME OF INS. CARRIER \_\_\_\_\_ ADDRESS \_\_\_\_\_

BASIS OF SETTLEMENT AND PAYMENTS MADE <small>(IF SELF-INSURED MAKE OUT AND SIGN AS EMPLOYER OTHERWISE AS INSURANCE CARRIER)</small>		AMOUNT PAID
Date of Injury _____ 19 _____	<b>WEEKLY COMPENSATION PAID:</b>	
Disability Began _____ 19 _____	TEMPORARY DISABILITY or HEALING PERIOD: _____ week at \$ _____ per week	\$ _____
Memo. Agreement Filed _____ 19 _____	<b>PERMANENT PARTIAL DISABILITY:</b>	
First payment of Compensation made on _____ 19 _____	_____ weeks at \$ _____ per week based on _____ % loss, or loss of use of, thumb, _____	
Last payment of Compensation made on _____ 19 _____	finger, hand, arm, eye, _____	
Period Disabled from Work _____ Weeks.	toe, foot, leg, etc. _____	\$ _____
_____ Days	<b>PERMANENT TOTAL DISABILITY:</b>	
	_____ %; _____ weeks at \$ _____ per week	\$ _____
	DISFIGUREMENT: _____ weeks at \$ _____ per week	\$ _____
	DEATH _____ weeks at \$ _____ per week	\$ _____
	COMMUTATION _____ weeks . . . . .	\$ _____
	SPECIAL SETTLEMENT . . . . .	\$ _____
Signed _____	MEDICAL . . . . . \$ _____	
	HOSPITAL . . . . . \$ _____	
	OTHER EXPENSE . . . . . \$ _____	
By _____	BURIAL . . . . . \$ _____	\$ _____
(Employer or Ins. Carrier)	TOTAL . . . . . \$ _____	\$ _____

#### EMPLOYEE'S RECEIPT

(TO BE SIGNED WHEN WEEKLY OR OTHER BENEFITS ARE PAID DIRECT TO CLAIMANT)

RECEIVED \_\_\_\_\_ DOLLARS (\$ \_\_\_\_\_)

Which with \$ \_\_\_\_\_ heretofore paid making \$ \_\_\_\_\_ represents the payments made on a claim for workmen's compensation benefits on account of injuries sustained by the above named employee.

Witness my hand this \_\_\_\_\_ day of \_\_\_\_\_, 19 \_\_\_\_\_.

In the presence of \_\_\_\_\_  
(Name of Witness)

USE REVERSE SIDE FOR FURTHER DETAIL IF NECESSARY

\_\_\_\_\_  
(SIGNATURE OF INJURED - BENEFICIARY)  
 \_\_\_\_\_  
(STREET AND NUMBER)  
 \_\_\_\_\_ (CITY) \_\_\_\_\_ (STATE)

1.1 (5) Form No. 9. Application for Commutation. See rule three following.

Form No. 9

STATE OF IOWA

WORKMEN'S COMPENSATION SERVICE

	vs.		Claimant.
			Employer.
			Insurance Carrier.

APPLICATION  
FOR  
COMMUTATION  
AND  
Order for Lump Sum  
Payment

To the Iowa Industrial Commissioner:

The undersigned hereby makes application for Commutation of compensation unpaid in the above entitled case and respectfully represents:

Person injured \_\_\_\_\_ Date of injury \_\_\_\_\_, 19\_\_\_\_

Compensation to which entitled \_\_\_\_\_ weeks at per week \$ \_\_\_\_\_

Number of weeks for which compensation already received \_\_\_\_\_ to \_\_\_\_\_, 19\_\_\_\_

Present worth of commuted compensation on statutory basis of 5 per cent discount is—

Full Commutation—for all remaining period \_\_\_\_\_ weeks, \$ \_\_\_\_\_

Partial Commutation—for first part of remaining period \_\_\_\_\_ weeks, \$ \_\_\_\_\_

Partial Commutation—for last part of period \_\_\_\_\_ weeks, \$ \_\_\_\_\_

In support of this plea the following is submitted:

This application is signed with the distinct understanding that commuted settlement by lump sum payment in full of all installments to become due erects a legal bar against any further recovery what-ever on account of the injury or death recited herein.

Presentation of petition for commutation to the district court is hereby waived.

For all legal services in connection with this case, there shall be paid no more than \$ \_\_\_\_\_

VERIFICATION

\_\_\_\_\_  
Claimant.

State of Iowa

} ss: \_\_\_\_\_

\_\_\_\_\_  
County

The undersigned on oath deposes and says that I am the above named claimant, and have read the foregoing application and that the same is true as I verily believe.

Subscribed and sworn to before me this \_\_\_\_\_ day of \_\_\_\_\_, 19\_\_\_\_, and I certify that I have advised the claimant herein that if the order prayed for is approved and an order made he will be barred from any additional compensation benefits.

\_\_\_\_\_  
Notary Public.

COMMISSIONER'S APPROVAL AND ORDER

This application is duly approved. Parties in interest having waived presentation of petition for commutation to the district court, lump sum settlement is hereby ordered on terms and conditions herein stated.

Des Moines, Iowa, \_\_\_\_\_, 19\_\_\_\_

\_\_\_\_\_  
Iowa Industrial Commissioner.

Parties in interest not having waived presentation of petition for commutation to the district court, lump sum settlement is hereby approved.

Des Moines, Iowa, \_\_\_\_\_, 19\_\_\_\_

\_\_\_\_\_  
Iowa Industrial Commissioner.

(Over)

	Claimant
vs.	
	Employer
	Insurance Carrier

ACCEPTANCE OF SERVICE  
 ON APPLICATION FOR LUMP  
 SUM SETTLEMENT AND WAIVER  
 OF PRESENTATION OF PETITION  
 TO THE DISTRICT COURT

Service of notice of application for lump sum settlement on the part of claimant in the above entitled case is hereby accepted and the employer and insurance carrier hereby waive presentation of the application to the district court and consent that the merits of the application may be determined, passed upon and decided by the Iowa Industrial Commissioner within the contemplation of the law.

Dated this \_\_\_\_\_ day of \_\_\_\_\_, 19\_\_\_\_\_.

\_\_\_\_\_  
 Employer

\_\_\_\_\_  
 Insurance Carrier

1.1 (6) Form No. 10. Notice of Election to Provide, Secure and Pay Compensation By Persons Engaged in Agricultural Pursuits, as provided by section 85.1 (3) of the Code.

Form No. 10 PB22834SP

NOTICE OF ELECTION TO PROVIDE, SECURE AND PAY WORKMEN'S COMPENSATION

TO THE INDUSTRIAL COMMISSIONER OF IOWA:

..... Employer

..... Address

The undersigned corporation ( ), partnership ( ), or individual ( ), states that they ( ), or he ( ), come within the exception of paragraph three (3) of section eighty-five point one (85.1) of Code 1954, by reason of operating a business under the name of.....

..... at.....

which comes within the purview of the Workmen's Compensation Act of Iowa, and also employ persons in an agricultural pursuit at....., who are not covered by the act.

Based on these facts the said..... employer

has elected to provide, secure and pay workmen's compensation to all of his or their employees whether engaged in agriculture or not, in accordance with the provisions of the Iowa Workmen's Compensation Law, as set out in Chapters 85, 86, 87 — Code 1954, as amended by the Fifty-fourth (54th) General Assembly of Iowa, and hereby gives notice to the Commissioner of that election.

Dated this.....day of.....195.....

..... Firm Name

..... Signed by

..... Official Title

1.1 (7) Form No. 12. Waiver on Account of Physical Defect, as provided by section 85.55, of the Code.

Form No. 12  
SM-3-63  
PB 11413

WORKMEN'S COMPENSATION SERVICE  
(Ink or Typewriter to Be Used in Filling Out All Forms)  
WAIVER ON ACCOUNT OF PHYSICAL DEFECT  
(To be mailed to the Industrial Commissioner in triplicate for approval and filing)

Sections 85.55 of the Iowa Workmen's Compensation Law as amended provides as follows:

"No employee or dependent to whom this chapter applies shall have power to waive any of the provisions of this chapter in regard to the amount of compensation which may be payable to such employee or dependent hereunder. However, any person who has some physical defect which increases the risk of injury, may, subject to the approval of the Industrial Commissioner, enter into a written agreement with his employer waiving compensation for injuries which may occur directly or indirectly because of such physical defect, provided, however, that such waiver shall not affect the employees's benefits to be paid from the second injury fund under the provisions of section 85.64."

This is to certify that the undersigned, a practicing physician for \_\_\_\_\_ years, having an office in \_\_\_\_\_ has examined \_\_\_\_\_ on \_\_\_\_\_, 19\_\_\_\_, and finds that he has the following physical defect:

and is able to perform such work as:

without undue hazard to his health or life.

\_\_\_\_\_, M. D.  
I, \_\_\_\_\_, of \_\_\_\_\_, aged \_\_\_\_\_ years, in accordance with the terms of the aforesaid section, hereby waive compensation on behalf of myself, and in case of death resulting therefrom, for my dependents, for any injury sustained by me while in the employ of \_\_\_\_\_ of \_\_\_\_\_ which may occur directly or indirectly because of such aforesaid physical defect.

Dated at \_\_\_\_\_, 19\_\_\_\_

Witnesses to Employee's Signature:

\_\_\_\_\_  
Employee's Signature

No. \_\_\_\_\_ Street

Concurring parent or guardian if employee be a minor:

\_\_\_\_\_  
Parent Guardian X

The undersigned employer agrees to this waiver and that the above employee will not be requested or required to do work of a more strenuous or hazardous nature than that suggested or recommended by the above named doctor, dated this \_\_\_\_\_ day of \_\_\_\_\_, 19\_\_\_\_.

\_\_\_\_\_  
Employer

I find the foregoing waiver appears to be in order and hereby approve the same.

\_\_\_\_\_, 19\_\_\_\_  
IOWA INDUSTRIAL COMMISSIONER

Submitted by: \_\_\_\_\_  
NAME ADDRESS

**1.2 (84, 86) Compromise Settlements.** All agreements providing for the final compromise settlement of a case where liability under the workmen's compensation Act is disputed shall be reduced to writing and submitted to the industrial commissioner for approval, together with such testimony or other evidence as he may require to establish that a bona fide dispute exists and liability is doubtful. Any such settlement, when approved by the industrial commissioner shall be binding upon the parties thereto and not subject to review under section 86.34 of the Code.

(This rule is intended to implement section 85.22, subsection 3, and section 86.14.)

**1.3 (85) Commutation.** In all proceedings where commutation may be approved by the industrial commissioner as provided in sections 85.45 - 48, a First Report of Injury and an approved Memorandum of Agreement or award of compensation must be filed. All doctors' reports relating to the extent of disability shall be submitted to the industrial commissioner with the Application for Commutation, together with such testimony or other evi-

dence as the industrial commissioner may require to establish the required conditions. Only the unaccrued weekly benefits will be commuted and benefits will be considered as running from the first day of disability after the injury, less any periods when the employee was not disabled. Unless the employee is represented by a lawyer, or unless a hearing is held before the industrial commissioner, a full commutation entitling the employer to a release will not be ordered for a permanent injury to the body as a whole. In death cases, commutation will be ordered only where benefits are equitably apportioned among the widow and any minor dependents.

(This rule is intended to implement sections 85.45, 85.46, 85.47 and 85.48.)

**1.4 (85) Rate Computation.** The weekly Compensation Rate Table in the "Iowa Workmen's Compensation Law" published by the industrial commissioner is authorized for use under sections 85.36 and 85.37 of the Code.

(This rule is intended to implement sections 85.36 and 85.37.)

Actual Daily Earnings	Weekly Compensation Rate	Actual Daily Earnings	Weekly Compensation Rate	Actual Daily Earnings	Weekly Compensation Rate	Actual Daily Earnings	Weekly Compensation Rate
\$4.68	\$18.00	5.06	19.46	5.44	20.92	5.82	22.38
4.69	18.04	5.07	19.50	5.45	20.96	5.83	22.42
4.70	18.08	5.08	19.54	5.46	21.00	5.84	22.46
4.71	18.12	5.09	19.58	5.47	21.04	5.85	22.50
4.72	18.15	5.10	19.62	5.48	21.08	5.86	22.54
4.73	18.19	5.11	19.65	5.49	21.12	5.87	22.58
4.74	18.23	5.12	19.69	5.50	21.15	5.88	22.62
4.75	18.27	5.13	19.73	5.51	21.19	5.89	22.65
4.76	18.31	5.14	19.77	5.52	21.23	5.90	22.69
4.77	18.35	5.15	19.81	5.53	21.27	5.91	22.73
4.78	18.38	5.16	19.85	5.54	21.31	5.92	22.77
4.79	18.42	5.17	19.88	5.55	21.35	5.93	22.81
4.80	18.46	5.18	19.92	5.56	21.38	5.94	22.85
4.81	18.50	5.19	19.96	5.57	21.42	5.95	22.88
4.82	18.54	5.20	20.00	5.58	21.46	5.96	22.92
4.83	18.58	5.21	20.04	5.59	21.50	5.97	22.96
4.84	18.62	5.22	20.08	5.60	21.54	5.98	23.00
4.85	18.65	5.23	20.12	5.61	21.58	5.99	23.04
4.86	18.69	5.24	20.15	5.62	21.62	6.00	23.08
4.87	18.73	5.25	20.19	5.63	21.65	6.01	23.12
4.88	18.77	5.26	20.23	5.64	21.69	6.02	23.15
4.89	18.81	5.27	20.27	5.65	21.73	6.03	23.19
4.90	18.85	5.28	20.31	5.66	21.77	6.04	23.23
4.91	18.88	5.29	20.35	5.67	21.81	6.05	23.27
4.92	18.92	5.30	20.38	5.68	21.85	6.06	23.31
4.93	18.96	5.31	20.42	5.69	21.88	6.07	23.35
4.94	19.00	5.32	20.46	5.70	21.92	6.08	23.38
4.95	19.04	5.33	20.50	5.71	21.96	6.09	23.42
4.96	19.08	5.34	20.54	5.72	22.00	6.10	23.46
4.97	19.12	5.35	20.58	5.73	22.04	6.11	23.50
4.98	19.15	5.36	20.62	5.74	22.08	6.12	23.54
4.99	19.19	5.37	20.65	5.75	22.12	6.13	23.58
5.00	19.23	5.38	20.69	5.76	22.15	6.14	23.62
5.01	19.27	5.39	20.73	5.77	22.19	6.15	23.65
5.02	19.31	5.40	20.77	5.78	22.23	6.16	23.69
5.03	19.35	5.41	20.81	5.79	22.27	6.17	23.73
5.04	19.38	5.42	20.85	5.80	22.31	6.18	23.77
5.05	19.42	5.43	20.88	5.81	22.35	6.19	23.81

Actual Daily Earnings	Weekly Compensation Rate	Actual Daily Earnings	Weekly Compensation Rate	Actual Daily Earnings	Weekly Compensation Rate	Actual Daily Earnings	Weekly Compensation Rate
6.20	23.85	6.85	26.35	7.50	28.85	8.15	31.35
6.21	23.88	6.86	26.38	7.51	28.88	8.16	31.38
6.22	23.92	6.87	26.42	7.52	28.92	8.17	31.42
6.23	23.96	6.88	26.46	7.53	28.96	8.18	31.46
6.24	24.00	6.89	26.50	7.54	29.00	8.19	31.50
6.25	24.04	6.90	26.54	7.55	29.04	8.20	31.54
6.26	24.08	6.91	26.58	7.56	29.08	8.21	31.58
6.27	24.12	6.92	26.62	7.57	29.12	8.22	31.62
6.28	24.15	6.93	26.65	7.58	29.15	8.23	31.65
6.29	24.19	6.94	26.69	7.59	29.19	8.24	31.69
6.30	24.23	6.95	26.73	7.60	29.23	8.25	31.73
6.31	24.27	6.96	26.77	7.61	29.27	8.26	31.77
6.32	24.31	6.97	26.81	7.62	29.31	8.27	31.81
6.33	24.35	6.98	26.85	7.63	29.35	8.28	31.85
6.34	24.38	6.99	26.88	7.64	29.38	8.29	31.88
6.35	24.42	7.00	26.92	7.65	29.42	8.30	31.92
6.36	24.46	7.01	26.96	7.66	29.46	8.31	31.96
6.37	24.50	7.02	27.00	7.67	29.50	8.32	32.00
6.38	24.54	7.03	27.04	7.68	29.54	8.33	32.04
6.39	24.58	7.04	27.08	7.69	29.58	8.34	32.08
6.40	24.62	7.05	27.12	7.70	29.62	8.35	32.11
6.41	24.65	7.06	27.15	7.71	29.65	8.36	32.15
6.42	24.69	7.07	27.19	7.72	29.69	8.37	32.19
6.43	24.73	7.08	27.23	7.73	29.73	8.38	32.23
6.44	24.77	7.09	27.27	7.74	29.77	8.39	32.27
6.45	24.81	7.10	27.31	7.75	29.81	8.40	32.31
6.46	24.85	7.11	27.35	7.76	29.85	8.41	32.34
6.47	24.88	7.12	27.38	7.77	29.88	8.42	32.38
6.48	24.92	7.13	27.42	7.78	29.92	8.43	32.42
6.49	24.96	7.14	27.46	7.79	29.96	8.44	32.46
6.50	25.00	7.15	27.50	7.80	30.00	8.45	32.50
6.51	25.04	7.16	27.54	7.81	30.04	8.46	32.54
6.52	25.08	7.17	27.58	7.82	30.08	8.47	32.58
6.53	25.12	7.18	27.62	7.83	30.12	8.48	32.61
6.54	25.15	7.19	27.65	7.84	30.15	8.49	32.65
6.55	25.19	7.20	27.69	7.85	30.19	8.50	32.69
6.56	25.23	7.21	27.73	7.86	30.23	8.51	32.73
6.57	25.27	7.22	27.77	7.87	30.27	8.52	32.77
6.58	25.31	7.23	27.81	7.88	30.31	8.53	32.81
6.59	25.35	7.24	27.85	7.89	30.35	8.54	32.84
6.60	25.38	7.25	27.88	7.90	30.38	8.55	32.88
6.61	25.42	7.26	27.92	7.91	30.42	8.56	32.92
6.62	25.46	7.27	27.96	7.92	30.46	8.57	32.96
6.63	25.50	7.28	28.00	7.93	30.50	8.58	33.00
6.64	25.54	7.29	28.04	7.94	30.54	8.59	33.04
6.65	25.58	7.30	28.08	7.95	30.58	8.60	33.08
6.66	25.62	7.31	28.12	7.96	30.62	8.61	33.11
6.67	25.65	7.32	28.15	7.97	30.65	8.62	33.15
6.68	25.69	7.33	28.19	7.98	30.69	8.63	33.19
6.69	25.73	7.34	28.23	7.99	30.73	8.64	33.23
6.70	25.77	7.35	28.27	8.00	30.77	8.65	33.27
6.71	25.81	7.36	28.31	8.01	30.81	8.66	33.31
6.72	25.85	7.37	28.35	8.02	30.85	8.67	33.34
6.73	25.88	7.38	28.38	8.03	30.88	8.68	33.38
6.74	25.92	7.39	28.42	8.04	30.92	8.69	33.42
6.75	25.96	7.40	28.46	8.05	30.96	8.70	33.46
6.76	26.00	7.41	28.50	8.06	31.00	8.71	33.50
6.77	26.04	7.42	28.54	8.07	31.04	8.72	33.54
6.78	26.08	7.43	28.58	8.08	31.08	8.73	33.58
6.79	26.12	7.44	28.62	8.09	31.12	8.74	33.61
6.80	26.15	7.45	28.65	8.10	31.15	8.75	33.65
6.81	26.19	7.46	28.69	8.11	31.19	8.76	33.69
6.82	26.23	7.47	28.73	8.12	31.23	8.77	33.73
6.83	26.27	7.48	28.77	8.13	31.27	8.78	33.77
6.84	26.31	7.49	28.81	8.14	31.31	8.79	33.81



Actual Daily Earnings	Weekly Compensation Rate	Actual Daily Earnings	Weekly Compensation Rate	Actual Daily Earnings	Weekly Compensation Rate	Actual Daily Earnings	Weekly Compensation Rate
8.80	33.84	9.45	36.34	10.10	38.84	10.75	41.34
8.81	33.88	9.46	36.38	10.11	38.88	10.76	41.38
8.82	33.92	9.47	36.42	10.12	38.92	10.77	41.42
8.83	33.96	9.48	36.46	10.13	38.96	10.78	41.46
8.84	34.00	9.49	36.50	10.14	39.00	10.79	41.50
8.85	34.04	9.50	36.54	10.15	39.04	10.80	41.54
8.86	34.08	9.51	36.58	10.16	39.08	10.81	41.58
8.87	34.11	9.52	36.61	10.17	39.11	10.82	41.61
8.88	34.15	9.53	36.65	10.18	39.15	10.83	41.65
8.89	34.19	9.54	36.69	10.19	39.19	10.84	41.69
8.90	34.23	9.55	36.73	10.20	39.23	10.85	41.73
8.91	34.27	9.56	36.77	10.21	39.27	10.86	41.77
8.92	34.31	9.57	36.81	10.22	39.31	10.87	41.81
8.93	34.34	9.58	36.84	10.23	39.34	10.88	41.84
8.94	34.38	9.59	36.88	10.24	39.38	10.89	41.88
8.95	34.42	9.60	36.92	10.25	39.42	10.90	41.92
8.96	34.46	9.61	36.96	10.26	39.46	10.91	41.96
8.97	34.50	9.62	37.00	10.27	39.50	10.92	42.00
8.98	34.54	9.63	37.04	10.28	39.54	10.93	42.04
8.99	34.58	9.64	37.08	10.29	39.58	10.94	42.08
9.00	34.61	9.65	37.11	10.30	39.61	10.95	42.11
9.01	34.65	9.66	37.15	10.31	39.65	10.96	42.15
9.02	34.69	9.67	37.19	10.32	39.69	10.97	42.19
9.03	34.73	9.68	37.23	10.33	39.73	10.98	42.23
9.04	34.77	9.69	37.27	10.34	39.77	10.99	42.27
9.05	34.81	9.70	37.31	10.35	39.81	11.00	42.31
9.06	34.84	9.71	37.34	10.36	39.84	11.01	42.34
9.07	34.88	9.72	37.38	10.37	39.88	11.02	42.38
9.08	34.92	9.73	37.42	10.38	39.92	11.03	42.42
9.09	34.96	9.74	37.46	10.39	39.96	11.04	42.46
9.10	35.00	9.75	37.50	10.40	40.00	11.05	42.50
9.11	35.04	9.76	37.54	10.41	40.04	11.06	42.54
9.12	35.08	9.77	37.58	10.42	40.08	11.07	42.58
9.13	35.11	9.78	37.61	10.43	40.11	11.08	42.61
9.14	35.15	9.79	37.65	10.44	40.15	11.09	42.65
9.15	35.19	9.80	37.69	10.45	40.19	11.10	42.69
9.16	35.23	9.81	37.73	10.46	40.23	11.11	42.73
9.17	35.27	9.82	37.77	10.47	40.27	11.12	42.77
9.18	35.31	9.83	37.81	10.48	40.31	11.13	42.81
9.19	35.34	9.84	37.84	10.49	40.34	11.14	42.84
9.20	35.38	9.85	37.88	10.50	40.38	11.15	42.88
9.21	35.42	9.86	37.92	10.51	40.42	11.16	42.92
9.22	35.46	9.87	37.96	10.52	40.46	11.17	42.96
9.23	35.50	9.88	38.00	10.53	40.50	11.18	43.00
9.24	35.54	9.89	38.04	10.54	40.54	11.19	43.04
9.25	35.58	9.90	38.08	10.55	40.58	11.20	43.08
9.26	35.61	9.91	38.11	10.56	40.61	11.21	43.11
9.27	35.65	9.92	38.15	10.57	40.65	11.22	43.15
9.28	35.69	9.93	38.19	10.58	40.69	11.23	43.19
9.29	35.73	9.94	38.23	10.59	40.73	11.24	43.23
9.30	35.77	9.95	38.27	10.60	40.77	11.25	43.27
9.31	35.81	9.96	38.31	10.61	40.81	11.26	43.31
9.32	35.84	9.97	38.34	10.62	40.84	11.27	43.34
9.33	35.88	9.98	38.38	10.63	40.88	11.28	43.38
9.34	35.92	9.99	38.42	10.64	40.92	11.29	43.42
9.35	35.96	10.00	38.46	10.65	40.96	11.30	43.46
9.36	36.00	10.01	38.50	10.66	41.00	11.31	43.50
9.37	36.04	10.02	38.54	10.67	41.04	11.32	43.54
9.38	36.08	10.03	38.58	10.68	41.08	11.33	43.58
9.39	36.11	10.04	38.61	10.69	41.11	11.34	43.61
9.40	36.15	10.05	38.65	10.70	41.15	11.35	43.65
9.41	36.19	10.06	38.69	10.71	41.19	11.36	43.69
9.42	36.23	10.07	38.73	10.72	41.23	11.37	43.73
9.43	36.27	10.08	38.77	10.73	41.27	11.38	43.77
9.44	36.31	10.09	38.81	10.74	41.31	11.39	43.81

Actual Daily Earnings	Weekly Compensation Rate	Actual Daily Earnings	Weekly Compensation Rate	Actual Daily Earnings	Weekly Compensation Rate	Actual Daily Earnings	Weekly Compensation Rate
11.40	43.84	11.81	45.42	12.22	47.00	12.63	48.58
11.41	43.88	11.82	45.46	12.23	47.04	12.64	48.61
11.42	43.92	11.83	45.50	12.24	47.08	12.65	48.65
11.43	43.96	11.84	45.54	12.25	47.11	12.66	48.69
11.44	44.00	11.85	45.58	12.26	47.15	12.67	48.73
11.45	44.04	11.86	45.61	12.27	47.19	12.68	48.77
11.46	44.08	11.87	45.65	12.28	47.23	12.69	48.81
11.47	44.11	11.88	45.69	12.29	47.27	12.70	48.84
11.48	44.15	11.89	45.73	12.30	47.31	12.71	48.88
11.49	44.19	11.90	45.77	12.31	47.34	12.72	48.92
11.50	44.23	11.91	45.81	12.32	47.38	12.73	48.96
11.51	44.27	11.92	45.84	12.33	47.42	12.74	49.00
11.52	44.31	11.93	45.88	12.34	47.46	12.75	49.04
11.53	44.34	11.94	45.92	12.35	47.50	12.76	49.08
11.54	44.38	11.95	45.96	12.36	47.54	12.77	49.11
11.55	44.42	11.96	46.00	12.37	47.58	12.78	49.15
11.56	44.46	11.97	46.04	12.38	47.61	12.79	49.19
11.57	44.50	11.98	46.08	12.39	47.65	12.80	49.23
11.58	44.54	11.99	46.11	12.40	47.69	12.81	49.27
11.59	44.58	12.00	46.15	12.41	47.73	12.82	49.31
11.60	44.61	12.01	46.19	12.42	47.77	12.83	49.34
11.61	44.65	12.02	46.23	12.43	47.81	12.84	49.38
11.62	44.69	12.03	46.27	12.44	47.84	12.85	49.42
11.63	44.73	12.04	46.31	12.45	47.88	12.86	49.46
11.64	44.77	12.05	46.34	12.46	47.92	12.87	49.50
11.65	44.81	12.06	46.38	12.47	47.96	12.88	49.54
11.66	44.84	12.07	46.42	12.48	48.00	12.89	49.58
11.67	44.88	12.08	46.46	12.49	48.04	12.90	49.61
11.68	44.92	12.09	46.50	12.50	48.08	12.91	49.65
11.69	44.96	12.10	46.54	12.51	48.11	12.92	49.69
11.70	45.00	12.11	46.58	12.52	48.15	12.93	49.73
11.71	45.04	12.12	46.61	12.53	48.19	12.94	49.77
11.72	45.08	12.13	46.65	12.54	48.23	12.95	49.81
11.73	45.11	12.14	46.69	12.55	48.27	12.96	49.84
11.74	45.15	12.15	46.73	12.56	48.31	12.97	49.88
11.75	45.19	12.16	46.77	12.57	48.34	12.98	49.92
11.76	45.23	12.17	46.81	12.58	48.38	12.99	49.96
11.77	45.27	12.18	46.84	12.59	48.42	13.00	50.00
11.78	45.31	12.19	46.88	12.60	48.46		
11.79	45.34	12.20	46.92	12.61	48.50		
11.80	45.38	12.21	46.96	12.62	48.54		

**1.5 (85) Commutation Table.** The commutation table in the Iowa workmen's compensation law published by the industrial commissioner is authorized for use under section 85.47 of the Code.

This rule is intended to implement sections 85.45, 85.46, 85.47 and 85.48.

This table shows the present value of any number of One Dollar future weekly payments discounted at five per centum, as authorized by section 85.47, Code of 1962, for commuted lump sum settlements in advance of the dates due. For weekly payments of larger amounts multiply the tabular fraction by the number of dollars in the weekly payments.

COMMUTATION TABLE—IOWA

One Dollar Payments—First 52 Weeks				One Dollar Payments—Third 52 Weeks			
Weeks	Value	Weeks	Value	Weeks	Value	Weeks	Value
1	\$ 0.999	27	\$26.644	105	\$ 99.998	131	\$123.346
2	1.997	28	27.617	106	100.906	132	124.233
3	2.994	29	28.590	107	101.812	133	125.120
4	3.990	30	29.562	108	102.719	134	126.006
5	4.986	31	30.534	109	103.624	135	126.892
6	5.980	32	31.504	110	104.529	136	127.776
7	6.973	33	32.473	111	105.432	137	128.660
8	7.966	34	33.442	112	106.335	138	129.543
9	8.957	35	34.409	113	107.238	139	130.426
10	9.948	36	35.376	114	108.139	140	131.307
11	10.937	37	36.341	115	109.040	141	132.188
12	11.926	38	37.306	116	109.940	142	133.068
13	12.913	39	38.270	117	110.839	143	133.948
14	13.900	40	39.233	118	111.737	144	134.826
15	14.886	41	40.195	119	112.635	145	135.704
16	15.871	42	41.157	120	113.531	146	136.582
17	16.855	43	42.117	121	114.427	147	137.458
18	17.838	44	43.077	122	115.323	148	138.334
19	18.820	45	44.035	123	116.217	149	139.209
20	19.801	46	44.993	124	117.111	150	140.083
21	20.781	47	45.950	125	118.004	151	140.956
22	21.761	48	46.906	126	118.896	152	141.829
23	22.739	49	47.861	127	119.788	153	142.701
24	23.717	50	48.815	128	120.678	154	143.573
25	24.693	51	49.769	129	121.568	155	144.443
26	25.669	52	50.721	130	122.457	156	145.313
One Dollar Payments—Second 52 Weeks				One Dollar Payments—Fourth 52 Weeks			
53	\$51.673	79	\$76.115	157	\$146.182	183	\$168.529
54	52.623	80	77.044	158	147.051	184	169.379
55	53.573	81	77.972	159	147.918	185	170.229
56	54.522	82	78.899	160	148.785	186	171.077
57	55.471	83	79.825	161	149.652	187	171.925
58	56.418	84	80.751	162	150.517	188	172.773
59	57.364	85	81.675	163	151.382	189	173.619
60	58.310	86	82.599	164	152.246	190	174.465
61	59.255	87	83.522	165	153.109	191	175.310
62	60.199	88	84.444	166	153.972	192	176.155
63	61.142	89	85.366	167	154.834	193	176.999
64	62.084	90	86.286	168	155.695	194	177.842
65	63.025	91	87.206	169	156.556	195	178.684
66	63.966	92	88.125	170	157.416	196	179.526
67	64.905	93	89.043	171	158.275	197	180.367
68	65.844	94	89.960	172	159.133	198	181.207
69	66.782	95	90.877	173	159.991	199	182.047
70	67.719	96	91.792	174	160.848	200	182.886
71	68.655	97	92.707	175	161.704	201	183.725
72	69.591	98	93.621	176	162.560	202	184.562
73	70.525	99	94.535	177	163.415	203	185.399
74	71.459	100	95.447	178	164.269	204	186.236
75	72.392	101	96.359	179	165.122	205	187.072
76	73.324	102	97.270	180	165.975	206	187.907
77	74.255	103	98.180	181	166.827	207	188.741
78	75.186	104	99.089	182	167.679	208	189.575

**One Dollar Payments—Fifth 52 Weeks**

Weeks	Value	Weeks	Value
209	\$190.408	235	\$211.837
210	191.240	236	212.652
211	192.072	237	213.467
212	192.903	238	214.281
213	193.733	239	215.094
214	194.563	240	215.907
215	195.392	241	216.720
216	196.220	242	217.531
217	197.048	243	218.342
218	197.875	244	219.153
219	198.702	245	219.963
220	199.528	246	220.772
221	200.353	247	221.580
222	201.177	248	222.388
223	202.001	249	223.195
224	202.824	250	224.002
225	203.647	251	224.808
226	204.469	252	225.613
227	205.290	253	226.418
228	206.110	254	227.222
229	206.930	255	228.026
230	207.750	256	228.829
231	208.568	257	229.631
232	209.386	258	230.433
233	210.204	259	231.234
234	211.020	260	232.034

**One Dollar Payments—Sixth 52 Weeks**

261	\$232.834	287	\$253.417
262	233.633	288	254.200
263	234.432	289	254.983
264	235.230	290	255.766
265	236.027	291	256.547
266	236.824	292	257.329
267	237.620	293	258.109
268	238.415	294	258.889
269	239.210	295	259.669
270	240.005	296	260.448
271	240.798	297	261.226
272	241.592	298	262.004
273	242.384	299	262.781
274	243.176	300	263.558
275	243.967	301	264.334
276	244.758	302	265.109
277	245.548	303	265.884
278	246.338	304	266.658
279	247.127	305	267.432
280	247.915	306	268.205
281	248.703	307	268.978
282	249.490	308	269.750
283	250.276	309	270.521
284	251.062	310	271.292
285	251.848	311	272.062
286	252.632	312	272.832

**One Dollar Payments—Seventh 52 Weeks**

313	\$273.601	321	\$279.734
314	274.370	322	280.498
315	275.138	323	281.261
316	275.905	324	282.024
317	276.672	325	282.787
318	277.438	326	283.549
319	278.204	327	284.310
320	278.969	328	285.071

Weeks	Value	Weeks	Value
329	\$285.831	347	\$299.420
330	286.590	348	300.170
331	287.350	349	300.919
332	288.108	350	301.668
333	288.866	351	302.416
334	289.623	352	303.164
335	290.380	353	303.911
336	291.137	354	304.657
337	291.892	355	305.403
338	292.648	356	306.149
339	293.402	357	306.894
340	294.156	358	307.638
341	294.910	359	308.382
342	295.663	360	309.125
343	296.415	361	309.868
344	297.167	362	310.611
345	297.919	363	311.352
346	298.670	364	312.094

**One Dollar Payments—Eighth 52 Weeks**

365	\$312.834	391	\$331.911
366	313.575	392	332.638
367	314.314	393	333.364
368	315.053	394	334.090
369	315.792	395	334.815
370	316.530	396	335.540
371	317.268	397	336.264
372	318.005	398	336.988
373	318.741	399	337.711
374	319.477	400	338.434
375	320.213	401	339.15832
376	320.948	402	339.88059
377	321.682	403	340.60186
378	322.416	404	341.32264
379	323.150	405	342.04291
380	323.883	406	342.76269
381	324.615	407	343.48197
382	325.347	408	344.20076
383	326.078	409	344.91905
384	326.809	410	345.63685
385	327.540	411	346.35415
386	328.270	412	347.07096
387	328.999	413	347.78728
388	329.728	414	348.50311
389	330.456	415	349.21844
390	331.184	416	349.93329

**One Dollar Payments—Ninth 52 Weeks**

417	\$350.64765	434	\$362.71742
418	351.36151	435	363.42307
419	352.07489	436	364.12825
420	352.78778	437	364.83295
421	353.50018	438	365.53717
422	354.21210	439	366.24093
423	354.92353	440	366.94420
424	355.63448	441	367.64700
425	356.34494	442	368.34933
426	357.05492	443	369.05119
427	357.76442	444	369.75257
428	358.47343	445	370.45348
429	359.18196	446	371.15392
430	359.89001	447	371.85389
431	360.59758	448	372.55340
432	361.30467	449	373.25243
433	362.01128	450	373.95099

Weeks	Value	Weeks	Value	Weeks	Value	Weeks	Value
451	\$374.64909	460	\$380.91102	473	\$389.89017	487	\$399.47433
452	375.34672	461	381.60448	474	390.57768	488	400.15555
453	376.04388	462	382.29747	475	391.26474	489	400.83633
454	376.74058	463	382.99001	476	391.95134	490	401.51667
455	377.43681	464	383.68208	477	392.63750	491	402.19656
456	378.13258	465	384.37370	478	393.32320	492	402.87601
457	378.82789	466	385.06485	479	394.00846	493	403.55502
458	379.52273	467	385.75555	480	394.69326	494	404.23358
459	380.21711	468	386.44579	481	395.37761	495	404.91171
<b>One Dollar Payments—Final 52 Weeks</b>							
Weeks	Value	Weeks	Value	Weeks	Value	Weeks	Value
469	\$387.13558	471	\$388.51378	482	396.06512	496	405.58939
470	387.82491	472	389.20220	483	396.74497	497	406.26663
				484	397.42798	498	406.94343
				485	398.11055	499	407.61980
				486	398.79266	500	408.29572

**1.6 (86) Forms in Disputed Cases.** Form No. 6, Application for Review-Reopening, and Form No. 8, Application for Arbitration, as published by the industrial commissioner, or a drafted equivalent thereof, shall be used in disputes arising under sections 86.14 and 86.34 of the Code.

This rule is intended to implement section 86.8, subsection 2, sections 86.14, 86.34 and 86.35.

Form No. 6—Iowa

State of Iowa

# Workmen's Compensation Service

-----	Claimant
Address -----	
	v.
-----	Employer
Address -----	
-----	Insurance Carrier

## APPLICATION for REVIEW-REOPENING

To the Iowa Industrial Commissioner:

This claimant respectfully states that \_\_\_\_\_

received a personal injury arising out of and in the course of the employment at \_\_\_\_\_  
\_\_\_\_\_ on the \_\_\_\_ day of \_\_\_\_\_, 19\_\_.

1. Describe how injury occurred \_\_\_\_\_  
\_\_\_\_\_
2. Nature of injury \_\_\_\_\_  
\_\_\_\_\_
3. Length of time disabled from working (give dates) \_\_\_\_\_
4. Nature and extent of permanent disability, if any \_\_\_\_\_  
\_\_\_\_\_
5. Weekly compensation paid by employer or insurance carrier:  
\_\_\_\_\_ weeks at \$ \_\_\_\_\_ per week, \$ \_\_\_\_\_  
\_\_\_\_\_ weeks at \$ \_\_\_\_\_ per week, \$ \_\_\_\_\_
6. Names and addresses of doctors who treated employee \_\_\_\_\_  
\_\_\_\_\_
7. Was treatment authorized or supplied by employer? \_\_\_\_\_
8. If not, what are your expenses for doctors? \$ \_\_\_\_\_  
Hospital and medicine \$ \_\_\_\_\_
9. What is the dispute in this case? \_\_\_\_\_  
\_\_\_\_\_
10. In what counties or towns do you agree that hearing be held? \_\_\_\_\_  
\_\_\_\_\_
11. The claimant will be ready for hearing after \_\_\_\_\_ (date)

The claimant further states that an award for payments or agreement for settlement has been made under the provisions of Chapter 86, Code of Iowa, that the amount has not been commuted, and that since the last payment of compensation there has been a change in the condition of the employee to warrant an increase in compensation.

Wherefore, the claimant prays that this case be reopened as provided in Section 86.34, Code, that the above defendants be required to answer this application for reopening, that a time and place be fixed for hearing hereof, and that an order or award be made granting such relief as the said claimant may be entitled to in the premises:

Dated \_\_\_\_\_ Signed \_\_\_\_\_ CLAIMANT

NAME AND ADDRESS OF ATTORNEY

Form No. 8-Iowa

State of Iowa

Workmen's Compensation Service

Address	Claimant
v.	
Address	Employer
	Insurance Carrier

APPLICATION for ARBITRATION

To the Industrial Commissioner:

This claimant respectfully states that \_\_\_\_\_  
 sustained a personal injury or occupational disease arising out of and in the course of the employment  
 at \_\_\_\_\_  
 on the \_\_\_\_\_ day of \_\_\_\_\_, 19\_\_\_\_. This claimant is the \_\_\_\_\_  
 \_\_\_\_\_ (if dependent, state relationship).

1. Check (  ) Married \_\_\_\_\_ Single \_\_\_\_\_ Male \_\_\_\_\_ Female \_\_\_\_\_; Age \_\_\_\_\_
2. Children under 16 or incapacitated regardless of age \_\_\_\_\_
3. Job classification \_\_\_\_\_ Length of time employed before injury \_\_\_\_\_
4. Employee was earning when injured \$ \_\_\_\_\_ per hour; \$ \_\_\_\_\_ per day; \$ \_\_\_\_\_ per week.
5. Describe how injury occurred. \_\_\_\_\_  
 \_\_\_\_\_  
 \_\_\_\_\_
6. Nature of injury \_\_\_\_\_  
 \_\_\_\_\_
7. Length of time disabled from working (give dates) \_\_\_\_\_
8. Nature and extent of permanent disability, if any \_\_\_\_\_  
 \_\_\_\_\_
9. Names and addresses of doctors who treated employee \_\_\_\_\_  
 \_\_\_\_\_
10. Was treatment authorized or supplied by employer? \_\_\_\_\_
11. If not, what are your expenses for doctors? \$ \_\_\_\_\_  
 \_\_\_\_\_  
 Hospitals and medicine \$ \_\_\_\_\_
12. What is the dispute in this case? \_\_\_\_\_  
 \_\_\_\_\_
13. In what counties or towns do you agree that hearing be held? \_\_\_\_\_
14. The claimant will be ready for hearing after \_\_\_\_\_ (date)

Having failed to reach an agreement as provided by Sec. 86.14, Code of Iowa, your claimant prays that the above named defendants be required to answer this application for arbitration, that a time and place be fixed for hearing hereof and due notice thereof given, and that upon such hearing, an order or award be made granting such relief as the said claimant may be entitled to in the premises.

Dated \_\_\_\_\_ Signed \_\_\_\_\_ CLAIMANT

NAME AND ADDRESS OF ATTORNEY \_\_\_\_\_

**1.7 (86) Procedure In Disputed Cases.** Practice and procedure at hearings before the industrial commissioner or his deputies will conform generally to that in any ordinary civil action.

A claimant seeking relief under any section of the workmen's compensation Act shall file his or her application with the industrial commissioner, together with two copies. Thereupon, the industrial commissioner shall serve notice of filing said application, together with a copy of the application, on the adverse party, who shall have fifteen days in which to file answer or pleading. A reply to new matter in an answer, or for the purpose of raising points of law appearing on the face of the answer, shall be filed within ten days after the answer.

(This rule is intended to implement sections 86.14, 86.17, 86.18, 86.24, 86.34 and 86.35.)

**1.8 (86) Bringing In New Parties.** When the presence of new parties is required to grant complete relief in any proceeding arising under the workmen's compensation Act, the industrial commissioner may upon application, or his own motion, order them brought in by serving them with Notice of Filing an application, together with a copy of the application.

(This rule is intended to implement sections 86.14, 86.17 and 86.18.)

**1.9 (86) Amendments.** Amendments may be made to any pleading before hearing or to conform to proof.

(This rule is intended to implement sections 86.17 and 86.18.)

**1.10 (86) Answer.** In the answer, the employer and insurance carrier shall admit or deny each allegation of the claimant's application. The answer shall state the conceded extent of temporary or permanent disability, the wage rate, and the amount of benefits paid, and shall state in what counties or towns the employer and insurance carrier agree that the hearing be held. A defense other than a

general denial must be pleaded as a special defense.

(This rule is intended to implement sections 86.14 and 86.35.)

**1.11 (86) Prehearing Procedure.** After issues are joined the industrial commissioner may in his discretion direct the parties in any proceeding brought under the workmen's compensation Act to appear before him at such place as the law provides to consider all matters which may aid, expedite or simplify the hearing of any proceeding.

(This rule is intended to implement sections 86.14, 86.17, 86.18 and 86.35.)

**1.12 (86) Extending Time and Continuances.** For good cause the industrial commissioner may extend the time to comply with any rule or regulation. For good cause and when timely requested, the industrial commissioner may allow a continuance of adjournment of a hearing on such conditions as are fair and just.

(This rule is intended to implement sections 86.14, 86.17, 86.18 and 86.35.)

**1.13 (86) Shorthand Reporter.** When he deems it necessary, the industrial commissioner shall hire a shorthand reporter to report any proceeding, or the employer or insurance carrier shall arrange for a shorthand reporter to attend any proceeding when ordered by the industrial commissioner, and in either case he shall tax the expenses thereof as costs.

(This rule is intended to implement section 86.19.)

**1.14 (86) Depositions.** Any party to a proceeding under the workmen's compensation Act may take the testimony of any person, including a party, by deposition upon oral examination or written interrogatories, for the purpose of discovery or for use as evidence in the proceeding, or for both purposes.

(This rule is intended to implement section 86.21.)

[Filed November 18, 1963]

## INSURANCE DEPARTMENT

### 1. (Discrimination)

No policy of life or endowment insurance can legally be issued or delivered in the state of Iowa, if it shall purport to be issued or to take effect before the original application for insurance was made, if thereby the insured would rate at an age younger than his age at nearest birthday at the date when the original application was made.

However, this ruling shall not affect the conversion of life term contracts to other types in accordance with the provisions of term forms wherein it provides for the issuance of other type contract as of the date of the issuance of the term contract upon payment of the difference in premiums.

### 2. (Policy Fees, Taxability of)

The fact that the companies choose to call a stipulated amount a "policy fee" and do not

include it under the term of "premium" would not have the effect of exempting this income from taxation. It is most assuredly a part of the premium or income received from policyholders for business done in Iowa and thus subject to taxation.

### 3. (Agents—Revocation of License)

The commissioner will revoke the license of any agent who is found guilty of inducing any individual to lapse or cancel a policy of one insurer in order that such individual procure a policy of another insurer which in any way would operate to the prejudice of the interests of the individual.

### 4. (Agents—License Lost Through Merger)

Since the statute provides that a license must be issued to every agent that transacts business for an insurance company that new



license will have to be issued for the agents of the company that lost its identity in the new company.

#### 5. (Investment of Funds)

##### *Ruling No. R21. By Department*

The Forty-first General Assembly of Iowa amended section 8737 (511.8) of the Code of 1924, relating to the investment of funds by life insurance companies organized in this state, by adding to paragraph one (1) of said section the following:

"Or federal farm loan bonds issued under the Act of Congress, approved July 17, 1916."

Doubt has arisen in the minds of company officials as to whether or not the amendment in question authorizes life insurance companies organized in Iowa to invest their funds in bonds issued by joint stock land banks.

In a written opinion of the Attorney General of Iowa, bearing date May 25, 1925, it is held that, inasmuch as joint stock land banks were created under the Act of Congress approved July 17, 1916, bonds issued by such banks are included in the amendment aforesaid.

Therefore, it is the ruling of this department that such bonds are a legal investment for life insurance companies organized in this state. However, said amendment is not effective until July 4, 1925, and until said date no such investments should be made.

#### 6. (Medical Examinations)

No life insurance policy, except those specifically excepted by section 8671 (508.28) and group insurance shall be issued in the state of Iowa unless based upon a medical examination of the applicant within such time as to give the company a reasonable opportunity to pass upon the same. A violation of this ruling will subject the company, association or society guilty thereof to a suspension of its certificate of authority to transact business in this state.

#### 7. (Examination of Companies, Report)

Upon the completion of an examination a copy of the report will be furnished the company, association or society examined, whereupon the company, association or society will have ten days in which to determine whether or not it will demand a hearing before the commissioner of insurance. If a hearing is desired, then and in that event the company, association or society shall, within said ten days file with the commissioner of insurance a written application, attaching thereto the specific grounds upon which a hearing is desired. Within a reasonable time after the receipt of said application, the commissioner will fix a date for the hearing and notify the company, association or society thereof. Upon the completion of the hearing, or as soon as convenient thereafter, the commissioner shall render his decision, either orally or in writing at his discretion and file said report as part of the records in his department.

#### 8. (Rebating)

A policyholder pays a premium in full by

promissory note. Incorporated in the note is a clause whereby the insured is to pay a certain rate of interest. The note becomes due and the face amount of the note is paid, but not the interest. The policyholder pays the note in full, but does not pay the interest, the agent cancels the note and returns it to the policyholder, and the agent pays the interest himself.

The above transaction clearly comes within the prohibition found in section 1782 (308.23) of the Code, and constitutes rebating.

#### 9. (Expiration of Insurance Policy)

A contract of insurance may specifically provide for a specific term of duration, in which event the contract automatically expires at the end of that term, without the giving of any notice. For illustration, a policy written for a term of one year with the premium paid in advance automatically expires at the end of the year.

However, in the event no definite term is fixed in the policy, or if the policy is for a definite period with premium payments made in installments at shorter intervals, or if the term of the policy is fixed and a promissory note is given for the entire premium, said note made payable at a shorter period, then before the policy can be legally forfeited or suspended for nonpayment of the premium when due or on the installment dates, or on or after the maturity of the note, a thirty days notice must be given. To that extent the company is required to give notice, otherwise no notice is required.

#### 10. (Notes Given for Insurance)

No sale or disposition of first year premium notes by either the company or its agents prior to the issuance or delivery of such policy, and prior to the passing of the consideration therefor, shall be made.

Either one of the above mentioned practices is considered, by this department, to be contrary to the best interests of the insuring public, and will, in the future, be considered as just and sufficient cause for the cancellation or suspension of the license of any agent engaging therein.

#### 11. (Computation of Reserves)

Iowa life insurance companies may report the nonadmitted excess item to this department on the basis of the true reserve instead of the mean reserve as has been the practice in the past. Under the true reserve system there will be no excess excepting in the case of indebtedness in excess of policy liabilities. The true reserve system eliminates all excess on account of due and deferred premiums, but there may be an excess equal to or in excess of the loading depending upon what premium the note represents, and how long it has been running when a premium note is taken for the gross premiums or when there is an overloan.

This concession is made to Iowa companies with the conviction that it removes many of the defects and disadvantages of the present practice of requiring the excess of the mean reserve.

As a corollary to the proposed system of determining this excess item, the business of the company must be reported upon a strictly paid for basis.

This department will not require that policies be lapsed if premium is not paid within a limited time after the due date, but no credit for an uncollected premium may be taken if more than sixty days past due, unless a premium note of the proper form has been taken therefor.

#### 12. (Rebating)

The acceptance at par of any security given in payment for insurance premium, which security was actually worth less than its par value at the time of such acceptance, would constitute an indirect rebate to the person from whom such securities were so accepted.

#### 13. (Title of Policies, Apt to Mislead)

No policies of insurance of any kind, whether life, health and accident, fire, or casualty, will be approved which bear any title or name apt to mislead or confuse the purchaser, and such policy contracts must be identified by words entirely descriptive of their content.

#### 14. (Regulation of Insurance, Commissioner)

Certain insurance companies authorized by this department to transact business in this state have entered into contracts with business institutions not of a similar nature, whereby it is agreed that the company will issue policies to such institutions for issuance by such institutions to their patrons, in consideration of the patrons entering into some agreement for the purchase of commodities of the institution, or in payment of a small premium combined with the purchase of some commodity, the institution paying the net premium thereon.

Under the plan above set forth, it is impossible to ascertain whether the insurance is offered as an inducement to purchase, or the purchase is an inducement to the insurance. It appears to this department that one is an inducement to the other, and therefor an inducement promising returns and profits in connection with the sale of insurance contrary to section 8624 (506.9).

Further, it appears to this department that such a plan would not be conducive to sound insurance principles and the best interests of the insuring public, in that it would tend to discriminate between persons of the same class and therefore be contrary to public policy.

No contract of insurance shall be approved for use in this state, nor shall any contract of insurance be issued to a resident of this state, if such contract is to be used or is being used in connection with any plan similar to that stated herein, unless the company shall first submit such plan to the commissioner of insurance and receive his approval thereto.

Nothing herein contained shall be construed to prohibit a business institution from offering to its patrons insurance at a specific premium to be paid wholly by such patron, provided the institution shall appoint a person

in their employ as agent and secure a license for such person from this department.

Any violation of this ruling brought to the attention of this department shall be deemed cause for revocation of the license of the company so violating.

#### 15. (Furriers' Customers' Policies)

The attention of this department has been called to the practice of companies issuing through their marine departments the so-called "furriers' customers' policies," wherein a master contract is issued to the furrier designated as the assured, and individual certificates are by him issued to the customers, together with an annual storage and/or repair agreement.

The contracts submitted provide that such certificate be issued only in connection with such annual storage agreement, with an agreement for repairs, cleaning, altering, etc., or with a conditional sales contract, and, further, that any loss incurred thereunder shall be adjustable with the furrier and customer, or repaired by the furrier at a cost to the company.

It is the opinion of this department that the requirement that such contract be issued only in connection with the agreement above set forth is in violation of Ruling C2 [Regulation No. 14] recently issued by this department; and, further, that the agreement whereby the loss is adjustable at the option of the company with the furrier without considering the rights of the customer, and permitting the furrier to profit by the loss is not conducive to sound insurance and is contrary to public policy.

We are further of the opinion that the issuance of such a contract with certificates by a furrier, where such furrier holds a conditional sales contract, or agreement, is not contrary to public policy in that the furrier has a specific interest in the agreement, and contracts of this type may be issued under such circumstances, provided the terms of the contract stipulate that the loss is payable to the furrier and the customer as their interests appear, is not made subject to any other agreement, and provides that the term of the contract shall not extend beyond the period set forth in the conditional sales contract.

Note: The furriers' customers' form may be modified to meet the department's requirements and overcome objections herein contained.

#### 16. (Assets of Company)

##### 17. (Section 515.35—Collateral Loans)

The collateral pledged to secure a loan must qualify as a legal investment for insurance companies before the loan it secures may so qualify (section 515.35, subsection 7). The statute provides that a company may not invest in excess of thirty percent of its capital and funds in stocks and not more than ten percent of its capital and surplus in the stock and/or bonds of any one corporation.

Normally, a loan is little better than the collateral securing it. Therefore, in order to

conform to the intent and purpose of the legislature it would appear that the same limitations should likewise be applied to the stock securing a collateral loan. The statute also provides that the value of the collateral must exceed the amount of the loan by ten percent.

**18. (Expiration Date of Policy vs. Charter Expiration Date)**

The mere fact that a corporate contract may extend beyond the term of the life of the corporation does not destroy it. We believe as a matter of public policy, insurance corporations frequently enter into such contracts. This is graphically illustrated in the case of a life insurance contract issued by a company with a limited corporate period. It has been held that the renewal of articles of incorporation is a continuation of the original corporate period which lends support to the proposition that it is within the public interest that contracts of this nature be permitted.

**19. (Section 515.49 and SF 139, 53rd G. A.—Capital Stock Requirements for Writing Multiple Lines)**

A stock fire or casualty company with a paid-up capital of less than \$300,000 may write full multiple lines, if possessed of surplus to policyholders of \$500,000.

**20. (Assessable and Nonassessable Policies)**

The two plans are not compatible with each other and are unfairly discriminatory within the intent and meaning of chapters 259 and 260, Acts of the 53rd General Assembly.

If there were some means through which the surplus funds of an association could be legally segregated between assessable and nonassessable policies, it might be possible to avoid this discrimination. However, the present statutes appear to make such funds available to the payment of the rightful claims of all policyholders of the association.

**21. (Section 515.47 and 518.15. Reinsurance Contracts—Insolvency Clause)**

No credit will be given the ceding insurer for reinsurance made, ceded, renewed or otherwise becoming effective after July 1, 1940, unless the reinsurance agreements (treaty, facultative or otherwise) are with reinsurers authorized to do business in the state of Iowa, and substantially provide, or are amended by a supplemental contract to read in substance as follows:

In consideration of the continuing benefits to accrue hereunder to the assuming insurer, the assuming insurer hereby agrees that, as to all reinsurance made, ceded, renewed or otherwise becoming effective after July 1, 1940, the reinsurance shall be payable by the assuming insurer on the basis of the liability of the ceding insurer under the contract or contracts reinsured without diminution because of the insolvency of the ceding insurer.

**22. (Section 432.1. Tax on Gross Premiums—Life Companies)**

In determining the gross amount of pre-

miums to be taxed hereunder, there shall be excluded:

(1) All premiums returned to policyholders or annuitants during the preceding calendar year, except cash surrender values.

(2) All dividends that, during said year, have been paid in cash or applied in reduction of premiums or left to accumulate to the credit of policyholders or annuitants.

**23. (Sections 508.7, 508.8, 511.11, 511.12 and 515.11. Loans to Officers, Directors, Employees, etc.)**

No insurance company or association of any kind, domiciled in the state of Iowa, shall loan any portion of its funds to an officer, director, stockholder, employee or any relative or immediate member of the family of an officer or director.

The provisions of Code sections 508.8 and 511.12 shall likewise be applicable to fire and casualty companies.

**24. (Section 511.8 Subsection 5. Life Companies—Investment in Preferred Stocks)**

The phrase "preferred dividend requirements as of the date of acquisition" is construed to include the dividend requirements of a new issue. Consequently, a new preferred issue will qualify if the net earnings of the corporation for each of the five preceding years have been not less than one and one-half times the sum of the annual fixed charges, contingent interest and the annual preferred dividend requirements including the new issue.

**25. (Section 515.49. Single Maximum Risk—Fidelity and Surety Risks)**

No insurance company is permitted under the limitations of section 515.49 to expose itself to any risk on a fidelity or surety bond in excess of ten percent of its surplus to policyholders, unless such excess shall be reinsured in accordance with the provisions of the statute.

[Filed November 21, 1963]

**1.1 (506) Definitions.**

**1.1 (1) Promoters.** Promoters shall mean any incorporator, organizer, founder or other person or corporation who, acting alone or in concert with other persons, is initiating or directing, or has within one year initiated or directed, the organization of a new insurance company.

**1.1 (2) Public moneys.** Public moneys shall mean the price paid by persons other than promoters for securities.

**1.2 (506) Promoters contributions.** Promoters shall invest of their own funds at least twenty percent of the proposed issue in cash. If something other than cash is contemplated to meet the requirements of this rule, it shall be valued by the commissioner of insurance in accordance with the provisions of section 492.7 of the 1962 Code of Iowa.

**1.3 (506) Escrow.** All public moneys shall be escrowed one hundred percent until the

issue is sold unless sooner released by written order of the commissioner of insurance; in the event the issue is not completely sold, all expenses incurred in corporate organization, sale of securities, and cost of liquidation shall be paid from funds acquired from promoters.

**1.4 (506) Alienation.** In the event of a public offering, no securities held by promoters shall, for a three year period from the date of acquisition, be alienated or hypothecated (except by operation of law) unless the operation of the insurance company produces earned surplus for two consecutive years.

**1.5 (506) Sales to promoters.** In the event of a public offering, no securities shall be acquired by promoters at less than the public offering price.

**1.6 (506) Options.** In the event of a public offering, stock options or warrants acquired by promoters shall not exceed ten percent of the issue.

**1.7 (506) Qualifications of management.** The general plan of organization as contemplated in section 506.3 of the Code shall include proposed management personnel with biographical sketches, including state of residence and complete insurance experience of each.

**1.8 (506) Chief executive.** The chief executive officer of a newly organized insurance company shall be a bona fide resident of Iowa and unless removed for cause and while acting in this capacity shall devote his entire time to such duties unless this requirement is specifically waived by written order of the commissioner of insurance. For purposes of this rule, a newly organized insurance company shall be deemed to be a company in existence for three years or less.

**1.9 (506) Directors.** The majority of the directors shall be bona fide residents of the state of Iowa unless specifically waived by written permission of the commissioner of insurance.

(These rules were intended to implement section 506.1 of the Code.)

[Effective December 28, 1963]

[Filed November 21, 1963]

**UNEARNED PREMIUM RESERVES  
ON MORTGAGE GUARANTY  
INSURANCE POLICIES**

[Filed November 21, 1963]

**2.1 (515) Unearned premium reserve factors.** In the case of premiums paid in advance on ten-year policies, mortgage guaranty insurers shall apply the following annual factors or comparable monthly factors in determining the unearned premium reserve:

Years policy is in force	Unearned premium factor	Years policy is in force	Unearned premium factor
1	81.8	6	18.2
2	65.5	7	10.9
3	50.9	8	5.5
4	38.2	9	1.8
5	27.3	10	—0—

**2.2 (515) Contingency reserve.** From the premium remaining after applying the appropriate factor from the table in 2.1 (515) above, there shall be maintained a contingency reserve as prescribed in section 515C.3 of the Code.

(These rules were intended to implement section 515C.3 of the Code)

[Effective December 28, 1963]

[Filed November 21, 1963]

**LIFE INSURANCE POLICIES**

Implementing section 508.28 Code 1962

[Filed November 21, 1963]

**1.1 (508) Purpose.** In the best interest of the citizens of Iowa and to maintain a fair and honest life insurance market, certain types of life policy forms and certain policy provisions shall be either prohibited, altered or clarified as set out herein.

**1.2 (508) Scope.** These rules shall apply to all insurance policies issued by insurance companies holding a certificate of authority under the provisions of chapter 508 Code of Iowa.

**1.3 (508) Definitions.** Certain life insurance policy forms and provisions referred to herein shall have the following meaning:

**1.3 (1) Founders policy.** The term or name assigned to a policy of insurance offered to the public by a newly organized stock life insurance company, issued on a participating basis with the representations that the purchasers will share preferentially in the future divisible surplus earnings of the company arising from all classes of business, both participating and nonparticipating, and all plans of insurance.

**1.3 (2) Profit-sharing policy.** It is any policy form which contains provisions or is represented in such a way that the policyholder will be eligible to preferentially participate in any future distribution of general corporate profits.

**1.3 (3) Coupon policy.** It is any policy or contract of life insurance, other than annuity, which contains in addition to basic life insurance benefits a series of annual pure endowment benefits evidenced in the policy contract by a series of coupons each of which matures on the maturation date of an annual pure endowment. For the purposes of these rules, policies containing annual pure endowments evidenced by coupons, pass books, or other devices generally acquainted with savings, banking, or investment institutions shall be considered coupon policies.

**1.3 (4) Pure endowment benefit.** It is a guaranteed insurance benefit, actuarially determined, the payment of which is contingent upon the survival of the insured to a specific point in time.

**1.4 (508) Prohibitions, regulations and disclosure requirements.** In accordance with the purpose expressed in rule 1.1 (508) and in conjunction with the intent of section 508.28 of the Code, the use of certain types of policy

forms and policy provisions shall be subject to the following prohibitions and regulations:

**1.4 (1) Policy names.** Any insurance policy labeled or described as a founders, charter, or coupon policy or names of similar connotation shall not be approved for use in this state on or after the effective date of these rules, and furthermore no policies so named or labeled heretofore approved shall be issued or delivered in this state on or after March 1, 1964.

**1.4 (2) Founders policy.** No founders policy as herein defined shall be approved for use in this state on or after the effective date of these rules, and furthermore, no founders policy as herein defined, heretofore approved shall be issued or delivered in this state on or after March 1, 1964.

**1.4 (3) Profit-sharing policy.** No profit-sharing policy shall be approved for use in this state on or after the effective date of these rules, and furthermore no profit-sharing policy heretofore approved shall be issued or delivered in this state on or after March 1, 1964. This subsection does not intend to restrict or prohibit the sale in this state of any participating life insurance policy where the dividend or abatement of premium is derived solely from the profits of that class of participating business.

**1.4 (4) Coupon policy.** No coupon policy shall be approved or issued in this state after the effective date of these rules, and furthermore no coupon policy heretofore approved shall be issued or delivered in this state on or after March 1, 1964.

**1.4 (5) Guaranteed pure endowment benefits.** No policy containing a series of guaranteed pure endowment benefits shall be approved for use after the effective date of these rules unless it meets the following requirements:

a. The gross premium charged for this benefit shall be separately stated in a size and style of type equal in prominence to that stating the gross premium for the other benefits contained in the policy.

b. The payment of any guaranteed pure endowment benefit shall not be made contingent upon the payment of premiums falling due on or after the time the pure endowment benefit has matured.

c. The amount of the guaranteed series of pure endowment benefits shall be expressed in dollar amounts and shall not be presented or defined, either in the policy or any sales and advertising material, as a "percentage" of any of the premiums or benefits contained therein.

d. No participating policy shall include as part of its benefits a guaranteed pure endowment benefit.

e. The language and terminology of the policy or any of the sales and advertising materials used in connection with any policy which has a series of pure endowment benefits

therein, shall not purport to represent the pure endowment benefit of the policy to be anything other than a guaranteed insurance benefit for which a premium is being paid by the policyholder.

(These rules are intended to implement section 508.28 Code 1962.)

[Effective on December 28, 1963.]

[Filed November 21, 1963]

#### BLANKET ACCIDENT AND SICKNESS INSURANCE

[Filed November 16, 1965]

[Effective December 16, 1965]

**1.1 (509) Purpose.** The purpose of this regulation is to establish guidelines for insurers to make special risk coverage available to particular groups that will be exposed to specific hazards for a certain period of time.

**1.2 (509) Scope.** These rules shall apply to all insurance companies holding a certificate of authority to transact the business of insurance under the provisions of chapters 508 and 515, 1962 Code of Iowa.

#### 1.3 (509) Definitions.

**1.3 (1) Blanket accident and sickness insurance** is hereby declared to be that form of accident, sickness or accident and sickness insurance designed to insure against specified hazards incident to or defined by reference to a particular activity or activities and covering groups of persons as enumerated in the following subparagraphs:

a. Under a policy issued to an employer, who shall be deemed the policyholder covering any group of employees defined by reference to specific hazards incident to an activity or activities of the policyholder.

b. Under a policy issued to a college, high school, junior high school, grade school, school district, school jurisdictional unit or other institution of learning; or to the head, principal, governing board of any such educational unit who or which shall be deemed the policyholder covering students, teachers or employees.

c. Under a policy issued to any religious, charitable or educational organization, or branch thereof, which shall be deemed the policyholder covering any group of members or participants defined by reference to specified hazards incident to an activity or activities sponsored or supervised by such policyholder.

d. Under a policy issued to a sports team, youth camp, recreational organization or sponsor thereof, which shall be deemed the policyholder, covering members, campers, participants, employees, officials or supervisors.

e. Under a policy issued to any volunteer fire department, first aid, civil defense, or other such volunteer organizations, which shall be deemed the policyholder, covering any group of members or participants defined by reference to specified hazards incident to an activity or activities or operations sponsored or supervised by such policyholder.

f. Under a policy issued to a newspaper or other publisher, which shall be deemed the policyholder, covering its carriers.

g. Under a policy issued to an association, other than a labor union, trade association or industrial association, which shall have a constitution and bylaws and which has been organized and is maintained in good faith for purposes other than that of obtaining insurance, which shall be deemed the policyholder, covering any group of members or participants defined by reference to specified hazards incident to an activity or activities or operations sponsored or supervised by such policyholder.

h. Under a policy issued to cover any other risk or class of risks which, in the discretion of the commissioner, may be properly eligible for blanket accident and sickness insurance. The discretion of the commissioner may be exercised on an individual risk basis or class of risks, or both.

**1.3 (2)** Brochure shall mean an instrument, booklet or pamphlet setting forth a statement as to the insurance protection provided, to whom the insurance benefits are payable, sufficient information on the procedure an insured shall follow in filing a claim and such other provisions as are in the opinion of the commissioner of insurance necessary to inform the holder thereof as to his rights under the policy.

**1.4 (509) Required provisions.** No blanket policy as herein defined shall be issued or delivered in this state unless a copy of the policy and brochure if required, has been approved by the commissioner of insurance. All policies of blanket accident or sickness insurance or combination thereof issued in this state shall contain in substance the following provisions:

**1.4 (1)** A provision that the policy including endorsements and a copy of the application, if any, of the policyholder and the persons insured shall constitute the entire contract between the parties, and that any statement made by the policyholder or by a person insured shall in the absence of fraud, be deemed a representation and not a warranty. No such statement shall be used in defense of a claim under the policy, unless it is contained in a written application. If a copy of such application is not delivered to the person insured the insurer shall be precluded from introducing such application as evidence in any action involving any statements contained therein.

**1.4 (2)** A provision that written notice of sickness or of injury must be given to the insurer within twenty days after the date when such sickness or injury occurred. Failure to give notice within such time shall not invalidate nor reduce any claim if it shall be shown not to have been reasonably possible to give such notice and that notice was given as soon as was reasonably possible.

**1.4 (3)** A provision that the insurer will furnish either to the claimant or to the policyholder for delivery to the claimant such forms as are usually furnished by it for filing proof of loss. If such forms are not furnished before the expiration of fifteen days after giving such notice, the claimant shall be deemed to have complied with the requirements of the policy as to proof of loss upon submitting within the time fixed in the policy for filing proof of loss, written proof covering the occurrence, the character and the extent of the loss for which claim is made.

**1.4 (4)** A provision that in the case of claim for loss of time for disability, written proof of such loss must be furnished to the insurer within ninety days after the commencement of the period for which the insurer is liable, and that subsequent written proofs of the continuance of such disability must be furnished to the insurer at such intervals as the insurer may reasonably require, and that in the case of claim for any other loss, written proof of such loss must be furnished to the insurer within ninety days after the date of such loss. Failure to furnish such proof within such time shall not invalidate nor reduce any claim if it shall be shown not to have been reasonably possible to furnish such proof and that such proof was furnished as soon as was reasonably possible.

**1.4 (5)** A provision that all benefits payable under the policy other than benefits for loss of time will be payable immediately upon receipt of due written proof of such loss, and that, subject to due proof of loss, all accrued benefits payable under the policy for loss of time will be paid not less frequently than monthly during the continuance of the period for which the insurer is liable, and that any balance remaining unpaid at the termination of such period will be paid immediately upon receipt of such proof.

**1.4 (6)** A provision that the insurer at its own expense, shall have the right and opportunity to examine the person of the insured when and so often as it may reasonably require during the pendency of claim under the policy and also the right and opportunity to make an autopsy where it is not prohibited by law.

**1.4 (7)** A provision that no action at law or in equity shall be brought to recover under the policy prior to the expiration of sixty days after written proof of loss has been furnished in accordance with the requirements of the policy and that no such action shall be brought after the expiration of three years after the time written proof of loss is required to be furnished.

**1.5 (509) Application and certificates not required.** An individual application need not be required from a person covered under a blanket accident and sickness policy, nor shall it be necessary for the insurer to furnish each person a certificate, however, a brochure as herein defined shall be issued to the policyholder for delivery to each person insured as

defined in subparagraph "b" and "g" of subsection 1.3 (1) of these rules.

**1.6 (509) Facility of payment.** All benefits under any blanket accident and sickness policy shall be payable to the person insured, to a designated beneficiary or beneficiaries, or to his estate, except that if the person insured be a minor or otherwise not competent to give a valid release, such benefits may be made payable to his parent, guardian or other person actually supporting him. The policy may also provide that all or a portion of any indemnities provided by any such policy on account of hospital, nursing, medical or surgical services may with the written consent of the insured be paid directly to the hospital or person rendering such services, but the policy may not require that the services be rendered by a particular hospital or person. Payment so made shall discharge the obligation of the insurer with respect to the amount of insurance so paid.

These rules are intended to implement section 509.6, chapter 509, 1962 Code of Iowa.

#### UNAUTHORIZED INSURANCE CARRIERS

[Filed August 1, 1963]

**1.1 (515) Affidavit required.** Within thirty days subsequent to the effective date of coverage on property in this state placed in unlicensed insurers, the agent shall file with the commissioner of insurance a sworn statement on Form No. SL163, a copy of which is attached hereto and by reference made a part hereof. Copies of Form No. SL163 are available in the office of the insurance commissioner and will be forwarded upon receipt of a request therefor from a qualified licensed insurance agent.

**1.2 (515) Evidence of coverage.** Each agent placing coverage in unlicensed insurers shall deliver to the purchaser written evidence of the coverage listing the names and addresses of the insurers providing coverages and their relative participation in the risk. Said evi-

dence shall plainly state on its face that the coverage is placed pursuant to sections 515.147 et seq., and that it is placed with an insurer or insurers not licensed to transact an insurance business in Iowa.

**1.3 (515) Escrow of taxes.** Each agent placing coverage in unauthorized insurers shall maintain a separate bank account in which all sums due the state of Iowa in the form of taxes on unauthorized insurance premiums shall be held. Failure to establish and maintain such accounts shall be deemed grounds for the revocation of all licenses held by said agent under the provisions of chapter 522, Code of Iowa.

**1.4 (515) Annual report.** On or before March 1 of each year, every agent who has placed insurance in unauthorized insurers during the preceding calendar year shall file with the commissioner of insurance a sworn report of all such business written during the preceding calendar year. Said report shall be accompanied by a remittance to cover the taxes due on said business and shall be filed on Form No. SL263, a copy of which is attached hereto, and by reference made a part hereof. Failure to file said return or pay the taxes imposed by sections 515.147 et seq., will be deemed grounds for the revocation of all licenses issued to the violator by the insurance department.

**1.5 (515) Prohibited insurers.** From time to time the commissioner of insurance shall add the name or names of insurers in which it shall be unlawful to place business to a list contemplated by subsection 2, section 515.147. The names of said insurers shall be added by posting them in a conspicuous place in the office of the insurance department and by such other methods as in the opinion of the insurance commissioner will give all qualified agents in Iowa actual notice of his actions.

(These rules are intended to implement section 515.151 of the Code.)

[Filed August 1, 1963]

STATE OF IOWA  
SURPLUS LINES AFFIDAVIT

No. \_\_\_\_\_  
Each agent should number  
his affidavits consecutively

\_\_\_\_\_, of \_\_\_\_\_, Iowa,  
being duly sworn on oath, deposes and says:

That affiant is a resident insurance agent, qualified and licensed under the provisions of Chapter 522, Code of Iowa to write the kind of insurance herein referred to.

That affiant has made a diligent effort to place this insurance in authorized insurers and has either exhausted the capacity of authorized insurers or has been unable to obtain the desired coverage.

That the amounts of insurance shown are required for this risk:

1. Name and address of risk: \_\_\_\_\_

2. Perils insured against: \_\_\_\_\_

3. Amount of insurance procurable from licensed insurers: \_\_\_\_\_

4. Additional amount of coverage necessary and names and addresses of insurers: \_\_\_\_\_

5. Licensed companies who refused to accept risk: \_\_\_\_\_

That affiant agrees to escrow all amounts due the State of Iowa for premium tax on this insurance and understands that failure to pay said tax on or before March 31 of the next calendar year will result in the loss of any and all agent's licenses issued by the Iowa Insurance Department.

\_\_\_\_\_  
(Agent)

\_\_\_\_\_  
(Address)

\_\_\_\_\_  
(Agent's Qualification no.)

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

\_\_\_\_\_  
(Notary Public)

SL-163

[Filed August 1, 1963]



The following report must be filed with the Commissioner of Insurance, State of Iowa, on or before March 1, 19\_\_\_\_\_.

REPORT OF SURPLUS LINES INSURANCE For the Year Ending December 31, 19\_\_\_\_\_.

Table with 7 columns: Agent, Business Address, Date, Affidavit No. and Date\*, Name of Insured, Name of Insurer Or Insurers, Contract No., Term and Effective Date, Premiums Written, Premiums Refunded.

Make checks payable to: Commissioner of Insurance, State of Iowa

- (a) Premiums written (total of Column 6) \$\_\_\_\_\_
(b) Premiums refunded (total of Column 7) \$\_\_\_\_\_
(c) Difference between (a) and (b) \$\_\_\_\_\_
(d) Amount enclosed (2% of (c)) \$\_\_\_\_\_

\*Affidavits are to be numbered consecutively.

I, \_\_\_\_\_, being duly sworn, say and depose on oath, that I have examined the matter reported in this return, and that the amounts set forth therein are correct to the best of my knowledge and belief.

Subscribed and sworn to before me this \_\_\_\_\_ day of \_\_\_\_\_

SL263

(Notary Public)

[Filed August 1, 1963]

SECURITIES DEPARTMENT (DEALER AND SALESMAN EXAMINATIONS)

[Filed August 1, 1963]

ination of essentially identical subject matter in another state, provided that the passing score attained on such examination was at least as high as required by this department.

1.5 (502) Dealer applicants. In the case of dealer applicants, the following classes of persons shall be subject to examination:

- 1. The principal of a sole proprietorship.
2. General partners of a partnership.
3. The executive officers of a corporation, provided that if it can be shown to the satisfaction of the commissioner of insurance that certain corporate officers are not active in the conduct of the applicant's business in Iowa, such officers shall not be required to take the examination.

1.6 (502) Issuer-dealers—general. The executive officer (or officers) of an issuer-dealer who will have charge of and supervise the issuance of his company's securities shall be subject to examination.

1.6 (1) Issuer-dealers—waiver of examination. Issuer-dealer examination shall be subject to waiver if it can be demonstrated to the satisfaction of the commissioner of insurance that, owing to the nature of the securities issue under consideration or the proposed manner of distribution, the public interest would not be served by requiring that an examination be taken.

1.6 (2) Issuer-dealers—salesmen. Nothing contained in this rule shall be construed to exempt from examination securities salesmen appointed by an issuer-dealer.

1.7 (502) Passing score. The passing score on each part of the examination shall be seventy percent for salesmen and issuer-dealers and eighty percent for dealers.

1.1 (502) General. On and after July 4, 1963, an applicant for registration as securities dealer, issuer-dealer or salesman will be required to pass a written examination to determine the skill, competency, and knowledge of such applicant in respect to general securities matters and the Iowa securities law.

1.2 (502) Composition. The examination shall be composed of two parts:

- 1. Part 1 shall cover general securities subject matter.
2. Part 2 shall cover the Iowa securities law.

1.3 (502) Exemptions—Parts 1 and 2. The following classes of persons shall be exempt from parts 1 and 2 of the examination:

- 1. Dealer or issuer-dealer applicants who have been registered as a dealer or issuer-dealer under the Iowa securities law previous to July 4, 1963.
2. Salesman applicants who have been registered as a salesman under the Iowa securities law previous to July 4, 1963.
3. Salesman applicants who have been registered as a dealer under the Iowa securities law previous to July 4, 1963.

1.4 (502) Exemptions—Part 1. The following classes of persons shall be exempt from part 1 of the examination:

- 1. Applicants who have passed the New York Stock Exchange or National Association of Securities Dealers examination given on or after July 1, 1963.
2. Applicants who have passed an exam-

**1.8 (502) When given.** The examination shall be given at such times and places as the commissioner of insurance may determine.

**1.9 (502) Retakes.** Applicants who fail any part of the examination may take the examination again, but upon a second failure they must wait a minimum period of three months before again taking the examination. Upon a third failure they must wait a further min-

imum period of one year before again taking the examination.

**1.10 (502) Applications.** All registration applications involving an individual subject to examination must be filed with the securities department at least five days prior to the date of examination.

[These rules are intended to implement section 502.11 of the Code]

[Filed August 1, 1963]

## IOWA DEVELOPMENT COMMISSION

The Iowa development commission has the responsibility of administering the law governing the use of the state Trade-Mark or label bearing the words "Made-In-Iowa" or "Product of Iowa".

The commission has issued the following instructions to manufacturers who wish to use this label:

(1) Each manufacturer desiring to use the Iowa Trade-Mark shall file with the Iowa development commission the statement saying

how the label or trade-mark is to be used and on what products.

(2) Information must be filed to indicate that the trade-mark will be used on bona fide Iowa-made products.

(3) Upon satisfactory showing, to meet the foregoing requirements, the commission will furnish black and white, and/or color copy from which the manufacturer can reproduce the Iowa Trade-Mark.

## JUSTICE, DEPARTMENT OF

### CHARITABLE TRUSTS [Filed July 1, 1959]

By virtue of the authority vested in the Attorney General by House File 718 chapter 364), Acts of the 58th General Assembly, approved May 15, 1959, and effective July 4, 1959, the attorney general hereby adopts the following rules and regulations for the operation of a register of all charitable trusts heretofore or hereafter established or active in the State of Iowa:

#### ARTICLE I *Registration*

**Section 1.** There is hereby established in the department of justice, a Register of Charitable Trusts.

**Section 2.** On or before December 31, 1959, the trustee or trustees of each charitable trust established or active in the state on July 4, 1959, shall file with the attorney general a statement showing:

1. Whether such charitable trust was established by will, deed, indenture or other instrument, and the name of the testator or settlor.

2. The name and address of the trustee or trustees.

3. The name and address of the present charitable beneficiary or beneficiaries.

4. The name and address of any future charitable beneficiary or beneficiaries.

5. The value of the trust as of the latest appraisal and the date of said appraisal.

**Section 3.** The trustee or trustees of each charitable trust becoming effective or active in the state after July 4, 1959, shall, within thirty days after such trust is effective or active in the state or on or before December 31, 1959, whichever is later, file with the attorney

general a statement containing the same information which is required of charitable trusts established or active in the state on July 4, 1959, under section 2, hereof.

**Section 4.** Each registration statement filed under section 2 or section 3 of Article I hereof, shall be accompanied by a registration fee of five dollars. Checks should be made payable to "Treasurer, State of Iowa."

**Section 5.** Forms for filing registration statements shall be obtained from the Attorney General, Statehouse, Des Moines 19, Iowa.

**Section 6.** Charitable trusts in which the charitable interest is contingent upon the happening of an uncertain future event are exempt from registration; provided, however, that upon the happening of said event vesting the charitable interest the trustee or trustees of such trust must, within a period of thirty days from such vesting, file a registration statement containing the information aforesaid.

#### ARTICLE II *Notice and Certification*

**Section 1.** The attorney general shall be notified by the trustee or trustees of all judicial proceedings affecting or in any manner dealing with a charitable trust or affecting or in any manner dealing with a trustee or trustees who holds in trust within the state property given, devised or bequeathed for charitable, educational or religious purposes, and who administers the same in whole or in part for said purposes within the state. Such notice may be given to the attorney general:

a. By mailing a notice of such proceedings by registered mail to the office of the attorney general, or

b. By leaving said notice at the office of the

attorney general with some person in charge thereof, or

c. In any other manner prescribed by law.

**Section 2.** The attorney general, or his duly authorized assistant, shall certify copies

of all papers and documents which are a part of any of the files or records relating to charitable trusts as may be necessary from time to time.

To be effective July 4, 1959. [Filed July 1, 1959]

## LABOR, BUREAU OF

### BOILER INSPECTION DIVISION

#### DEFINITIONS

State of Iowa construction Code is used to designate the accepted reference for construction, installation, operation, and inspection of boilers and unfired pressure vessels and should hereafter be referred to as the Iowa Boiler Code.

The A.S.M.E. boiler Code and amendments and interpretations thereto are hereby adopted and shall hereafter be known as the "Iowa Construction Code" (Iowa Code). A copy of this Code is on file in the office of the commissioner of labor, and in the state law library in the statehouse.

Power boiler as used herein shall mean any vessel used for generating steam or vapor for power or heating purposes at a pressure in excess of fifteen pounds per square inch.

Unfired pressure vessel as used herein shall mean any tank, jacketed vessel or other unfired pressure vessel used for transmitting steam for power or for using or storing steam under pressure for heating or steaming purposes at a pressure in excess of fifteen pounds pressure except those vessels definitely excluded by paragraph U-1 of the Iowa Code.

Chief inspector as used herein shall mean the state boiler inspector appointed by the commissioner of labor under the provisions of section 1 of Act 174 [ch 97, Acts 49 G. A.; ch 89, C. '50].

Deputy inspector as used herein shall mean any deputy inspector of boilers appointed by the commissioner of labor under the provisions of section 1 of Act 174 [ch 97, Acts 49 G. A.; ch 89, C. '50].

Special inspector as used herein shall mean an inspector employed by an insurance company, which is authorized to insure boilers in the state of Iowa, and who shall have been commissioned by the commissioner of labor. Such inspectors shall be commissioned by the commissioner of labor provided they hold a commission from a state having a boiler law the equivalent of that of the state of Iowa or a commission from the National Board of Boiler and Pressure Vessel Inspectors.

Inspector as used herein shall mean the chief inspector, a deputy inspector, or a special inspector.

Department as used herein shall mean the bureau of labor of the state of Iowa.

Commissioner as used herein shall mean the commissioner of labor.

The term secondhand boiler or secondhand pressure vessel is a boiler or pressure vessel of which both the location and ownership have been changed.

Owner or user as used herein shall mean any person, firm, or corporation owning or operating or in charge of or in control of any boiler or unfired pressure vessel within this state.

Existing installation as used herein shall be taken to mean and to apply to any boiler or unfired pressure vessel which was installed or within this state ready to be installed or has previously operated in this state prior to the effective date of these rules.

#### SECTION 1. NEW INSTALLATIONS—POWER BOILERS

No power boiler shall hereafter be brought into this state and installed unless it has been constructed and inspected in accordance with the requirements of the Iowa Code for boilers and is so stamped or is inspected and stamped in accordance with the requirements of the National Board of Boiler and Pressure Vessel Inspectors. A boiler having a standard stamping of a state that has adopted a standard of construction equivalent to the standard of the state of Iowa may be accepted by the department provided, however, that the person desiring to install same shall make application for the installation of same and shall file with the application a manufacturer's data report covering the construction of the boiler in question.

Upon completion of installation, all such boilers shall be inspected by the chief inspector, a deputy inspector or a special inspector commissioned to inspect boilers in this state and at least once each year thereafter shall be subjected to a regular internal and external inspection.

Also at time of first inspection after installation all said boilers must be stamped with a serial number of the state of Iowa followed by the letters Ia., said letters and figures to be not less than five-sixteenths of an inch in height.

#### SECTION 2. EXISTING INSTALLATIONS—POWER BOILERS

**Rule 1.** The maximum allowable working pressure on the shell of a power boiler or drum shall be determined by the strength of the weakest section of the structure, computed from the thickness of the plate, the tensile strength of the plate, the efficiency of the longitudinal joint, or tube ligaments, the inside diameter of the course and the factor of safety allowed by these rules  $\frac{TS \times t \times E}{R \times FS} =$  maximum allowable working pressure in pounds per square inch.

Where:

TS=ultimate tensile strength of shell plates, lbs. per square inch.

t=minimum thickness of shell plate, in weakest course in inches.

E=efficiency of longitudinal joint.

For riveted construction, determined by rules given in paragraph P-181, of Iowa Code.

For fusion welded construction, determined by rules in paragraph P-102, of Iowa Code, or Rule 2.

For tube ligaments, determined by rules in paragraphs P-192 and P-193, of Iowa Code.

For seamless construction, shall be considered one hundred percent.

**Rule 2. Factors of Safety.** a. The lowest factor of safety permissible on existing installations shall be four, excepting for horizontal tubular boilers having continuous lap seams more than twelve feet in length where the factor of safety shall be eight, and when this type of boiler is removed from its existing setting, it shall not be reinstalled for pressure in excess of fifteen pounds.

b. Boilers which are reinstalled shall have a minimum factor of safety of six when the longitudinal seams are of lap riveted construction, and a minimum factor of safety of five when the longitudinal seams are of butt and double strap construction.

c. A boiler constructed with fusion welded seams which are not x-rayed and stress relieved during construction shall have at least three one-inch diameter plugs trepanned from each seam and these plugs etched to determine the soundness of the weld. If this test discloses the weld to be sound through eighty percent of the thickness of the plate the boiler may be operated at a pressure based upon the formula in rule 1, using an efficiency of longitudinal joint of eighty percent and a factor of safety of not less than seven. If the weld is not sound through eighty percent of the thickness of plate the boiler shall not be operated at a pressure in excess of fifteen pounds.

A boiler with fusion welded seams that have been x-rayed and stress relieved may be operated at a pressure based upon the formula in rule 1, using an efficiency of longitudinal joint eighty percent and a factor of safety of five.

d. The above factors of safety shall be increased by the inspector if the condition and safety of the boilers demand it.

e. In no case shall the maximum working pressure of an old boiler be increased to a greater pressure than would be allowed for a new boiler of same construction.

**Rule 3. Cast Iron Headers and Mud Drums.**

a. The maximum allowable working pressure on a water tube boiler, the tubes of which are secured to cast iron or malleable iron headers, or which have cast iron mud drums, shall not exceed one hundred sixty pounds per square inch.

b. The maximum steam pressure on any boiler in which steam is generated, if constructed of cast iron, shall be fifteen pounds per square inch.

**Rule 4. Tensile Strength.** When the tensile strength of steel or wrought iron shell plates is not known, it shall be taken as 55,000 lbs. per square inch for steel and 45,000 lbs. per square inch for wrought iron.

**Rule 5. Strength of Rivets in Shear.** In computing the ultimate strength of rivets in shear the cross-sectional area of the rivet shank shall be used, for the values in pounds per square inch, based upon the requirements of paragraphs P-16 of Iowa Code.

**Rule 6. Crushing Strength of Mild Steel.** The resistance to crushing of mild steel shall be taken at 95,000 lbs. per square inch of cross-sectional area.

**Rule 7. Rivets.** When the diameter of the rivet holes in the longitudinal joints of a boiler is not known, the diameter and cross-sectional area of rivets, after driving, may be selected from the following table or ascertained by cutting out one rivet in the body of the joint.

Thickness of plate .....	¼"	⅜"	½"	⅝"
Diameter of rivet				
after driving .....	⅜"	½"	⅝"	¾"
Thickness of plate .....	¾"	⅞"	1"	1 ⅛"
Diameter of rivet				
after driving .....	1 ⅛"	1 ¼"	1 ½"	1 ¾"
Thickness of plate .....	½"	⅝"	¾"	
Diameter of rivet after driving .	1 ⅛"	1 ¼"	1 ½"	

**Rule 8. a.** Each boiler shall be equipped with one or more safety valves placed as close to the boiler as possible. No valve of any description shall be placed between the safety valve and the boiler nor on the escape pipe between the safety valve and the atmosphere. When an elbow is placed on a safety valve escape pipe, it shall be located close to the safety valve outlet or the escape pipe shall be securely anchored and supported. When an escape pipe is used, it shall be full sized and fitted with an open drain to prevent water lodging in the upper part of the safety valve or escape pipe. Safety valves having either the seat or disc of cast iron shall not be used. Dead weight safety valves are prohibited for pressure exceeding fifteen pounds. Lever weighted safety valves, when in need of repair, must be replaced with spring-loaded safety valves.

b. The safety valve capacity of each boiler shall be such that the safety valve or valves will discharge all the steam that can be generated by the boiler without allowing the pressure to rise more than six percent above the maximum allowable working pressure, or more than six percent above the highest pressure to which any valve is set.

**Rule 9.** One or more safety valves on every boiler shall be set at or below the maximum allowable working pressure. The remaining valves may be set within a range of three percent above the maximum allowable working

pressure, but the range of setting of all the safety valves on a boiler shall not exceed ten percent of the highest pressure to which any valve is set.

**Rule 10.** Fire-actuated fusible plugs, when used, shall conform to the rules and regulations of the Iowa Code for new construction.

**Rule 11.** In all cases where no mechanical feed is attached to a boiler, the safety valve shall be set at not less than six percent below the pressure of the main source of supply feeding the boiler. A return trap shall not be considered as a mechanical feeding device. Not less than two means shall be provided for feeding the boiler against the maximum approved pressure.

In all cases where the source of feed water is such that the pressure will not feed the boiler, approved feed pumps, injectors or inspirators shall be provided to give ample feed against the maximum approved pressure. Feed water should have a temperature of not less than one hundred twenty degrees Fahrenheit.

**Rule 12. Water Glasses.** Each steam boiler shall have at least one water glass, the lowest visible part of which shall be not less than three inches above the lowest permissible water level.

**Rule 13.** Each boiler shall have three or more gage cocks, located within the range of the visible length of the water glass, when the maximum allowable working pressure exceeds fifteen pounds per square inch except when such boiler has two water glasses with independent connections to the boiler, located on the same horizontal line and not less than two feet apart.

**Rule 14.** No outlet connections, except for damper regulator, feed water regulator, low water fuel cut-out, drains or steam gages, shall be placed on the pipes connecting a water column to a boiler.

**Rule 15. Steam Gages.** Each steam boiler shall have a steam gage connected to the steam space or to the steam connection to the water column. The steam gage shall be connected to a siphon or equivalent device of sufficient capacity to keep the gage tube filled with water and so arranged that the gage cannot be shut off from the boiler except by a cock placed near the gage and provided with a tee or lever handle arranged to be parallel to the pipe in which it is located when the cock is open.

**Rule 16. Stop Valve.** Each steam outlet from a boiler (except safety valve connections) shall be fitted with a stop valve located as close as practicable to the boiler.

**Rule 17.** When a stop valve is so located that water can accumulate, ample drains shall be provided.

**Rule 18. Bottom Blow-off Pipes.** Each boiler shall have a blow-off pipe fitted with valve or cock in direct connection with the lowest water space practicable. When cocks are used

they shall be of the gland or guard type and suitable for the pressure allowed. Globe valves are not permitted.

**Rule 19.** When the maximum allowable working pressure exceeds one hundred pounds per square inch, the blow-off pipe shall be extra heavy from boiler to valve or valves, and shall run full size without reducers or bushings. Blow-off piping shall be of black wrought iron or black steel (not galvanized) and shall be extra heavy pipe size. (a) All fittings between the boiler and valve shall be of steel or extra heavy fittings or bronze, brass or malleable iron. In case of renewal of pipe or fittings in the blow-off lines, as specified in this paragraph, they shall be installed in accordance with the rules for new installations.

**Rule 20.** When the maximum allowable working pressure exceeds one hundred pounds per square inch, each bottom blow-off pipe shall be fitted with two valves or a valve and cock, such valves and cocks to be of extra heavy type.

**Rule 21.** A bottom blow-off pipe, when exposed to direct furnace heat, shall be protected by fire-brick or other heat-resisting material, so arranged that the pipe may be inspected.

**Rule 22.** An opening in the boiler setting for a blow-off pipe shall be arranged to provide for free expansion and contraction.

**Rule 23. Feed Piping.** The feed pipe of a steam boiler shall be provided with a check valve near the boiler and a valve or cock between the check valve and the boiler, and when two or more boilers are fed from a common source, there shall also be a globe valve on the branch to each boiler, between the check valve and the source of supply. When a globe valve is used on a feed pipe, the inlet shall be under the disc of the valve.

**Rule 24. Test Pressure.** When a hydrostatic test is applied, test pressure shall be not more than one and one-half times the maximum allowable working pressure.

a. During a hydrostatic test of a boiler, suitable provisions shall be made so that it will not be necessary to screw down the compression screw upon the spring of the safety valve. The temperature of water used during a hydrostatic test shall not exceed one hundred sixty degrees Fahrenheit.

**Rule 25.** In any case where repairs are made or fittings or appliances renewed they must comply with the Iowa Code for new installations.

**Rule 26.** All existing installed boilers shall be stamped with an Iowa serial number provided for new installations.

**Rule 27.** In any condition not definitely covered by these rules the Iowa Code for new installations shall apply.

#### SECTION 3. NEW INSTALLATIONS—MINIATURE BOILERS

No miniature boiler shall hereafter be brought into this state and installed unless it has been constructed and inspected in accord-

ance with the requirements of the Iowa Code for miniature boilers and is so stamped or is inspected and stamped in accordance with the requirements of the National Board of Boiler and Pressure Vessel Inspectors. A boiler having a standard stamping of a state that has adopted a standard of construction equivalent to the standard of the state of Iowa may be accepted by the department provided, however, that the person desiring to install same shall make application for the installation of same and shall file with the application a manufacturer's data report covering the construction of the boiler in question.

Upon completion of installation all such boilers shall be inspected by the chief inspector, a deputy inspector or a special inspector commissioned to inspect boilers in this state and at least once each year thereafter shall be subjected to a regular internal and external inspection.

Also at time of first inspection after installation all said boilers must be stamped with the serial number of the state of Iowa, followed by the letters Ia., said letters and figures to be not less than five-sixteenths of an inch in height.

#### SECTION 4. EXISTING INSTALLATIONS—MINIATURE BOILERS

Rules and regulations as adopted for power boilers (section 2) as applied to strength of material, mathematical calculations to determine the safety of a boiler shall be used in all computations pertaining to the safe working pressure of a miniature boiler unless a special rule is hereafter given.

**Rule 1.** The maximum allowable working pressure on the shell of a boiler or drum shall be determined by rule 1, section 2, for power boilers.  $\frac{TS \times t \times E}{R \times FS}$  = maximum allowable working pressure, pounds per square inch.

Where:

TS = ultimate tensile strength of shell plates, lbs. per square inch.

t = minimum thickness of shell plate, in weakest course, in inches.

E = efficiency of longitudinal joint, method of determining which is given in paragraph P-181, of the Iowa Code.

E = for tube ligaments between openings shall be calculated by the rules given in P-192 and P-193, Iowa Code.

R = inside radius of the weakest course of the shell or drum in inches.

FS = factor of safety allowed by these rules.

Note: To be used as given above for longitudinal joints, riveted construction or if for fusion welded joints, E shall be taken as per efficiency specified in paragraph P-102, of the Iowa Code.

In any case wherein there are both riveted joints and tube ligaments to consider, the weaker of these shall be used for E.

**Rule 2.** The construction of miniature boilers including factor of safety, except where otherwise specified, shall conform to that required for power boilers (section 2).

**Rule 3.** The temperature of the heating element for electrically heated steam boilers (closed system) shall be so controlled that it will not exceed 1200 degrees Fahrenheit. All electrical equipment shall be installed and grounded in accordance with the requirements of the National Electrical Safety Code.

**Rule 4.** Every miniature boiler shall be fitted with suitable washout plugs of one inch iron pipe size, which shall be screwed into openings in the shell near the bottom. In miniature boilers of the closed-system type heated by removable internal electrical heating elements, the opening for these elements when suitable for cleaning purposes, may be substituted for washout openings. All threaded openings in the boiler shall be provided with a riveted or welded reinforcement if necessary to give four full threads therein.

**Rule 5.** Every miniature boiler shall be provided with at least one feed pump or other feeding device, except where it is connected to a water main carrying sufficient pressure to feed the boiler, or where the steam generator is operated with no extraction of steam (closed system).

In the latter case in lieu of a feeding device, a suitable connection or opening shall be provided to fill the generator when cold. Such connection shall be not less than one-half inch pipe size.

In all cases where no mechanical feed is attached to a boiler the safety valve shall be set at not less than six percent below the pressure of the main source of supply feeding the boiler. A return trap shall not be considered as a mechanical feeding device.

**Rule 6.** Each miniature boiler shall be fitted with feed water and blow-off connections, which shall not be less than one-half inch iron-pipe size unless operated on a closed system as provided in rule 5. The feed pipe shall be provided with a check valve and a stop valve. The feed water may be delivered to the boiler through the blow-off connection, if desired. The blow-off shall be fitted with a valve or cock in direct connection with the lowest water space practicable.

**Rule 7.** Each miniature boiler for operation with a definite water level shall be equipped with a glass water gage for determining the water level. The lowest permissible water level shall be at a point one-third of the height of the shell, except where the boiler is equipped with internal furnace, when it shall be not less than one-third of the length of the tubes above the top of the furnace. In the case of small generating units operated on the closed system where there is insufficient space for the usual glass water gage, water level indicators of the glass bull's-eye type may be used.

**Rule 8.** Each miniature boiler shall be equipped with a steam gage having its dial graduated to not less than one and one-half times the maximum allowable working pressure. The gage shall be connected to the steam

space or to the steam connection to the water column by a brass or bronze composition siphon tube, or equivalent device that will keep the gage tube filled with water.

**Rule 9.** Each miniature boiler shall be equipped with a sealed spring-loaded pop safety valve, not less than one-half inch in diameter, connected directly to the boiler. Where there is no extraction of steam (closed system) a fracturing disk safety valve may be used in addition to the spring-loaded pop safety valve. The safety valve shall be plainly marked by the manufacturer with a name or an identifying trade-mark, the nominal diameter, and the steam pressure at which it is not to blow. The safety valve capacity of each boiler shall be such that the safety valve or valves will discharge all the steam that can be generated by the boiler without allowing the pressure to rise more than six percent above the maximum allowable working pressure, or more than six percent above the highest pressure to which any valve is set.

**Rule 10.** Each steam line from a miniature boiler shall be provided with a stop valve located as close to the boiler shell or drum as is practicable, except when the boiler and steam receiver are operated as closed system.

**Rule 11.** Where miniature boilers are gas-fired, the burners used shall conform to the requirements of the American Gas Association, as given in par. MA-5 of the Appendix of the Iowa Code. The burners shall in such cases be equipped with a fuel-regulating governor, which shall be automatic and regulated by the steam pressure. This governor shall be so constructed that in the event of its failure, there can be no possibility of steam from the boiler entering the gas chamber or supply pipe.

#### SECTION 5. NEW INSTALLATIONS—UNFIRED PRESSURE VESSELS

No unfired pressure vessel shall hereafter be brought into this state and installed unless it has been constructed and inspected in accordance with the requirements of the Iowa Code for unfired pressure vessels and is so stamped or is inspected and stamped in accordance with the requirements of the National Board of Boiler and Pressure Vessel Inspectors. An unfired pressure vessel having a standard stamping of a state that has adopted a standard of construction equivalent to the standards of the state of Iowa may be accepted by the department provided, however, that the person desiring to install same shall make application for the installation of same and shall file with the application the manufacturer's data report covering the construction of the unfired pressure vessel in question.

Upon completion of installation all such unfired pressure vessels shall be inspected by the chief inspector, a deputy inspector, or a special inspector commissioned to inspect boilers in this state, and at least once each year thereafter shall be subjected to a regular internal and external inspection.

Also at time of first inspection after installation all said unfired pressure vessels must

be stamped with the serial number of the state of Iowa, followed by the letters Ia., said letters and figures to be not less than five-sixteenths of an inch in height.

#### SECTION 6. EXISTING INSTALLATIONS—UNFIRED PRESSURE VESSELS

**Rule 1.** The maximum allowable working pressure of the shell of an unfired pressure vessel shall be determined in accordance with rule 1 of section 2 applying to power boilers except that E for fusion welded joints shall equal:

Single butt welds .....	50%
Double butt welds .....	70%
Single lap welds .....	30%
Double lap welds .....	60%
Forged welds .....	80%
Lap brazed joints in steel or copper.	90%

**Rule 2. Factors of Safety.** The lowest factor of safety permissible on existing installations shall be four, except that this factor of safety shall be increased by the inspector if the condition and safety of the unfired pressure vessel demands it. In no case shall the maximum working pressure of an old unfired pressure vessel be increased to a greater pressure than would be allowed for a new vessel of the same construction.

**Rule 3. Lap Seam Cracking.** The shell and drum of a pressure vessel in which a lap seam crack is discovered along a longitudinal riveted joint, either butt or lap construction, shall be immediately discontinued from use.

**Rule 4. Tensile Strength.** Rule 4 of section 2 for power boilers shall apply.

**Rule 5. Strength of Rivets in Shear.** Rule 5 of section 2 for power boilers shall apply.

**Rule 6. Crushing Strength of Mild Steel.** Rule 6 of section 2 of power boilers shall apply.

**Rule 7. Rivets.** Rule 7 of section 2 for power boilers shall apply.

**Rule 8. Safety Appliances.** All pressure vessels shall be provided with such safety and relief valves and indicating and controlling devices as will insure their safe operation. These devices shall be so constructed, located and installed that they cannot readily be rendered inoperative. The relieving capacity of a safety valve shall be such as to prevent a rise of pressure in the vessel of more than ten percent above the maximum allowable working pressure, taking into account the effect of static head. The safety valve discharges shall be carried to a safe place. Safety valves shall be of the direct spring-loaded type, designed with substantial lifting device so that disc can be lifted from its seat by the spindle not less than one-eighth the diameter of the valve when the pressure of the vessel is seventy-five percent of that at which the safety valve is set to blow. Safety valves having either the seat or disc of cast iron shall not be used. In a vessel in which pressure is derived from an outside source, each safety valve should be so

connected to the vessel, vessels or system which it protects as to prevent a rise of pressure beyond the maximum allowable pressure in any vessel protected by the safety valve. Safety valve springs shall not be adjusted to carry more than ten percent greater pressure than that for which the springs are made.

**Rule 9. Fusion Welding.** Any repairs by fusion welding must be approved beforehand by a commission inspector and all welded repairs must be made in accordance with the rules recommended by the National Board of Boiler and Pressure Vessel Inspectors.

**Rule 10.** In any condition not covered by the above rules, the rules for new installations of the Iowa Code shall apply.

**SECTION 7. GENERAL RULES—POWER BOILERS AND UNFIRED PRESSURE VESSELS**

**Rule 1.** All power boilers and unfired pressure vessels which are subject to regular inspections as provided in Act 174 [ch 97, Acts 49 G.A.; ch 89, C.'50] shall be prepared for inspection when the owners or users are notified by either the chief inspector, a deputy inspector or a special inspector to prepare for such inspections and for hydrostatic test if necessary.

**Rule 2.** The owner or user of a power boiler or unfired pressure vessel herein required to be inspected, shall, on a date specified by the chief inspector, a deputy inspector, or a special inspector, which date shall be not less than seven days after date of such notice, unless by consent of the owner, prepare the power boiler, heating boiler, or unfired pressure vessel for internal inspection, or hydrostatic pressure test when necessary.

**Rule 3.** To prepare a power boiler for internal inspection, the water shall be drawn off and the boiler thoroughly washed. All man-hole and hand-hole plates and washout plugs in boilers and water column connections shall be removed, and the furnace and combustion chambers thoroughly cooled and cleaned. All grates of internally fired boilers shall be removed; also enough of the brick work of any type of boiler shall be removed to determine the condition of the boiler, furnace, or other parts at each annual inspection when deemed necessary by the inspector. The steam gage shall be removed for testing.

An unfired pressure vessel shall be prepared for a general inspection to the extent deemed necessary by the inspector.

**Rule 4.** If a power boiler or an unfired pressure vessel has not been properly prepared for inspection as provided in rule 3, the inspector may decline to make such inspection and the certificate of inspection shall be withheld until the boiler has been properly prepared and inspected.

If it is found that steam or hot water is leaking into a boiler or unfired pressure vessel the source of such leakage shall be disconnected if necessary to cut out such steam or hot water from the boiler or pressure vessel to be inspected.

**Rule 5.** The fees for inspection and for inspection certificate shall be paid to the bureau of labor before a certificate of inspection shall be issued. If the owner or user of any boiler or unfired pressure vessel required to be inspected under this Act by the department refuses to allow a boiler or unfired pressure vessel to be inspected or refuses to pay the fee as provided for in section 7 of Act 174 [ch 97, Acts 49 G.A.; ch 89, C.'50], then such boiler or unfired pressure vessel shall not be operated until after a valid inspection has been made by either the chief inspector or any deputy inspector or any special inspector.

**Rule 6.** If, upon inspection, a boiler or unfired pressure vessel is found to be in such condition that it is unsafe to operate, the inspection certificate shall be suspended and the owner or user of such boiler or unfired pressure vessel who causes the same to be operated shall be subject to the penalty as provided in section 9 of Act 174 [ch 97, Acts 49 G.A.; ch 89, C.'50].

**Rule 7.** Shop inspections made at the request of a boiler manufacturer by the chief inspector or any deputy inspector, shall be charged for at the rate of ten dollars for each boiler plus all expenses to include traveling, hotel and incidentals.

**Rule 8.** The shell or drum of a boiler or unfired pressure vessel in which a typical "lap seam crack" is discovered along a longitudinal riveted joint for either butt seam or lap joint shall be permanently disconnected for use under steam pressure. By "lap seam crack" is meant the typical crack frequently found in lap seams extending parallel to the longitudinal joint and located either between or adjacent to rivet holes.

**Rule 9.** All appliances required for electric steam generators shall be attached in accordance with the following rules.

A cable at least as large as one of the incoming power lines to the generator shall be provided for grounding the generator shell. This cable shall be permanently fastened on some part of the generator and shall be grounded in an approved manner.

A suitable screen or guard shall be provided around high tension bushings and a sign posted warning of high voltage. This screen or guard shall be so located that it will be impossible for anyone working around the generator to accidentally come in contact with the high tension circuits. When adjusting safety valves, the power circuits to the generator shall be open. The generator may be under steam pressure but the power line shall be open while the operator is making the necessary adjustments.

Each kw. of electrical energy consumed by an electric steam generator, operating at maximum rating, shall be considered the equivalent of one sq. ft. of heating surface of a fire tube boiler when determining the required amount of safety valve capacity.



**Rule 10.** If a boiler or unfired pressure vessel is jacketed so that the longitudinal seam of shells, drums or domes cannot be seen, and if it cannot otherwise be determined, enough of the jacketing, setting wall or other covering shall be removed so that the size and pitch of the rivets and such other data as may be necessary to determine the safety of the boiler or unfired pressure vessel or appliance may be determined.

**Rule 11.** Where a major repair is necessary, a commissioned inspector shall be called for consultation and advice as to the best method of making such repairs; after such repairs are made they shall be subject to the approval of a commissioned inspector. Repairs to all boilers, unfired pressure vessels, and their appurtenances shall conform as nearly as practicable to the requirements of the Iowa Code.

**Rule 12.** When repairs are to be made wherein fusion welding is to be used, permission must be obtained from the chief inspector, a deputy inspector or a special inspector and the welding must be done in accordance with the rules recommended by the National Board of Boiler and Pressure Vessel Inspectors.

**Rule 13. Condemned Boilers.** Any boiler or pressure vessel that has been recommended for condemnation shall be immediately discontinued from service. The department shall be promptly notified of such action and the chief inspector or a deputy boiler inspector shall reinspect the boiler for final action. Boilers or pressure vessels that have been condemned shall have distinctly stamped thereon over the state of Iowa serial number the following symbol, XXX.

**Rule 14.** An inspection certificate issued in accordance with section 2 "c" of Senate File 174 [ch 97, Acts 49 G.A.; ch 89, C.'50] shall be valid until expiration unless some defect or condition affecting the safety of the boiler or pressure vessel for which it was issued is disclosed.

**Rule 15.** If a special inspector, upon the first inspection of a new risk, finds that the boiler or pressure vessel or any of the appurtenances are in such condition that his company refuses insurance on same, he shall immediately notify the commissioner of that fact together with a report of the defects.

**Rule 16.** If upon an external inspection there is evidence of a leak or crack, enough of the covering of the boiler or unfired pressure vessel shall be removed to satisfy the inspector in order that he may determine as to the safety of the boiler or unfired pressure vessel, or if the covering cannot be removed at that time, he may order the operation of the boiler or unfired pressure vessel stopped until such time as the covering can be removed and proper examination made.

**Rule 17.** In any case where a stationary boiler or unfired pressure vessel is moved and reinstalled the fittings and appliances must comply with the Iowa Code for new installations.

**Rule 18. Riveted Patches.** In applying riveted patches the design of patch and method of installation must be in accordance with the rules for riveted patches recommended by the National Board of Boiler and Pressure Vessel Inspectors.

#### INSURED BOILERS AND VESSELS

[Filed July 15, 1959]

1. As of July 4, 1959, each certificate shall be issued for a period of one year and shall show an expiration date, and this expiration date shall remain the same as to day and month for this particular boiler or vessel as long as this boiler or vessel remains at the same location or is operated by the same owner or user. New installations are required to have a certificate of inspection issued within thirty days from the date boiler or vessel is put into operation.

2. Internal inspection must be made within a sixty-day period immediately prior to the expiration of the certificate.

3. Owner or user of boiler or vessel shall not be issued a notice or statement but must remit the required fee to the bureau of labor after inspection has been made and before the expiration date of their valid certificate. Drafts should be made payable to the bureau of labor.

4. Upon written request to the bureau of labor, showing an emergency exists, owner or user shall be granted a thirty-day grace period beyond the expiration date of said certificate and during this grace period said owner or user shall not be considered by the bureau of labor to be in violation of chapter 89, 1958 Code of Iowa.

5. Where owners or users have allowed certificates to become delinquent and boilers have not been in use for a period of ninety days or more, it will be necessary to establish new expiration date to correspond with the date that boiler has been reinspected and put into use.

6. Boilers or vessels inspected by insurance company inspectors that have been previously inspected by the state boiler inspector will be issued a certificate as of the date of inspection made by the insurance company.

7. Insurance companies shall notify the bureau of labor at the same time they notify owner or user of any cancellation of insurance on any boiler or pressure vessel.

8. When an insurance company insures a boiler or pressure vessel that has been previously insured by another company, the bureau of labor must be notified by the present underwriter within thirty days of the date that the company assumes the risk.

## LIBRARY, LAW

**1. Library Hours.** The Iowa state law library shall be open to the public each day of the week from 8 o'clock A.M. to 5 o'clock P.M. until officially changed, except Saturdays, Sundays, and on occasions when offices in the statehouse are closed by order of the executive council.

**2. Eligibility for Loans.** Loan of material for use outside the law library shall be limited to members of the Iowa courts, the Iowa bar, the general assembly, and elective and appointive state officials. Other residents of Iowa may use in the law library any material therein, except material of a private or confidential nature.

**3. Loan Period.** In the course of legal research the reader may need to refer to many books, some for extensive study, others for brief reference. If one of these books is not available his work will be delayed, or, worse still, he may have to conclude his research without examination of all the books for which he has citations. To avoid this situation the collection in the law library should be kept intact so far as possible. Therefore, initial loans may be made for a period of seven days. At the expiration thereof an extension of seven days may be granted. Further extension may be granted only for cause satisfactory to and for the period determined by the law librarian. Initial loans of bound volumes of Iowa supreme court abstracts and arguments may be made for fourteen days. Shepard's citations cannot be loaned.

**4. Shipping Charges.** On all loans requiring the shipment of material to a point outside of Des Moines the borrower shall pay shipping charges from Des Moines and return.

**5. Loan Cards.** No material shall be removed from the law library except upon loans signed by borrowers on loan cards furnished

by the law library, and a complete record of the loan preserved.

**6. Misplaced Books.** Great care should be used in returning books to the shelves after use. A book misplaced is for the time being a book lost. Readers thereof are requested to leave them on the reading tables. A library attendant will replace them.

**7. Smoking.** Smoking is prohibited on all floors above the first floor, on account of fire hazard.

**8. Disturbing Noise.** Noise is not conducive to study, is annoying, and out of place in a law library. Persons using the library are requested to regulate their conduct in this respect so as not to disturb others.

**9. Marking Books Prohibited.** Books are to be read, not marked or interlined. Users are requested to strictly observe this rule.

**10. Penalties and Fines.** Any book in the collection of the Iowa state law library that is injured, defaced, destroyed or lost while in the possession of or loaned to any person shall be replaced by said person. If said person fails to replace said book within sixty days after receipt of a letter signed by the law librarian, mailed by registered mail, requesting said person to replace said book, then and in that event said person shall, within fifteen days thereafter, pay to the treasurer of the state of Iowa a sum of money equal to the cost of replacing said book, or the value placed thereon by the Iowa library board of trustees if said book is irreplaceable after an effort so to do has been made by the law librarian, and on failure to make said payment said person shall be penalized and fined in an amount equal to said sum of money, and said fine, together with court costs, may be collected in the manner prescribed in section 303.3, subsection 10, of the Code of Iowa 1950.

## LIBRARY, STATE TRAVELING

Pursuant to authority of section 303.16 - 303.18 of the Code the following rules were adopted.  
[Filed January 11, 1966,  
effective September 29, 1965]

### CHAPTER 1

**1.1 (303) Borrowers.** State officials and employees may borrow direct from the Des Moines headquarters. Public libraries and individuals without public library service may borrow by mail with the borrower paying transportation on loan collections.

**1.2 (303) Books.** All books except reference items are available for loan for one month. Reference items can be "verifaxed" at a nominal cost.

**1.3 (303) Phonodiscs.** Phonodiscs are available to public libraries in loan collections of

15 to 200 depending upon size of library for a two-month period with public libraries paying transportation on loan collections.

**1.4 (303) Reference Service.** Reference service in the headquarters is available to anyone using the reference and circulation division reading area and to borrowers designated in Item 1.1.

**1.5 (303) Loss of Books and Related Materials.** Borrowers will receive first notice of overdue books within two weeks after date due, second notice within two weeks following first notice and billing using list price will be made one month of original due date.

[Filed January 11, 1966;  
effective September 29, 1965]

## LIQUOR CONTROL COMMISSION

Adopted under authority of chapter 123.17 of the Code of Iowa, 1961, as expedient and necessary for the efficient administration of the provisions of the Iowa Liquor Control Act, and supersedes all other rules and regulations adopted prior to October 1, 1961.

[Filed and indexed December 22, 1961]

To be effective as of October 1, 1961.

### PERMIT DEPARTMENT

#### **Regulation 1. Manufacture and Sale of Native Wines.**

(1) Manufacturers of native wines from grapes, cherries, other fruit juices or honey grown and produced in Iowa, may sell, keep or offer for sale and deliver the same, subject to the following regulations and restrictions.

*a.* Before commencing the business of selling wine, the manufacturer shall inform the Iowa liquor control commission, in writing of his intention to enter into such business, the place where it will be conducted, the type, brand name and package sizes of each wine to be sold, and the name and mailing address of the manufacturer. If any of such facts are thereafter changed the manufacturer shall immediately notify the commission in writing of the full nature of such change.

*b.* At least ten days prior to selling a particular type or brand of wine, the manufacturer shall deliver to the commission two separate bottles of such wines, each of at least one-fifth gallon in quantity, for chemical analysis and shall pay the commission fifteen dollars for the expense of such analysis.

*c.* Not more than twenty gallons of such wine shall be sold or delivered to any one purchaser at any one time.

*d.* Such wine shall not be sold in a package size smaller than one-half fifth gallon.

*e.* Sale and delivery of such wine may be made only on the premises where the wine was manufactured.

*f.* Such native wine shall not be sold or delivered on Sunday, any legal holiday, or any election day for the area within such sale or delivery might be made. On other days sale and delivery of such native wine may be made only between 10:00 o'clock a.m. and 8:00 o'clock p.m.

*g.* The manufacturer shall, in January of each year, deliver to the Iowa liquor control commission a complete report, sworn to under oath by the owner, a partner, or a corporation officer, showing the number of gallons of wine produced by him in the preceding year, and number of gallons of wine in his possession at the beginning and at the end of the preceding year; such report shall be subdivided so as to show such information in respect to each different type and brand of wine. If such manufacturer is also engaged in buying and selling wine, such report shall also contain such information, so subdivided, in regard to wine purchased, purchased wine sold, and purchased

wine in the manufacturer's possession at the beginning and at the end of the preceding year.

*h.* A monthly report showing the amount of wine on hand at the beginning of the month, the amount produced, the amount sold and used for family use and any other information requested on report from which shall be sent to the Iowa liquor control commission. This report must reach the commission not later than the last day of the month following the month or period of time for which each report is made. Report forms to be furnished by the commission.

*i.* The manufacturer shall cause his premises, books of account and records to be accessible and available at all reasonable times for inspection by representatives of the Iowa liquor control commission.

*j.* Such manufacturer shall not advertise such native wine by signs or posters, but he may have a sign at the place of manufacture identifying his business and not more than two signs there simply stating, without description or price, that wine or native wine is for sale there.

*k.* Such manufacturer of native wines shall not be required to have a license or permit for such business unless his business is such as to require a manufacturer's or wholesaler's license under the provisions of sections 123.36 and 123.37 of the 1958 Code of Iowa.

#### **Regulation 2. Licensed Manufacturers and Wholesalers.**

(1) A separate manufacturer's or wholesaler's license shall be required for each place of business of the holder thereof.

(2) The holder of a manufacturer's or wholesaler's license shall not sell alcoholic liquor outside the state of Iowa, except to a purchaser having the legal right to buy and receive it from such seller at the place of sale and place of delivery respectively.

(3) Before making a sale to a purchaser other than the Iowa liquor control commission, a licensed manufacturer or wholesaler shall require the purchaser to produce and exhibit for inspection proof of his right to purchase alcoholic liquor according to the laws of his own state.

(4) If the purchaser is a licensed physician or pharmacist or the holder of any other form of license or permit entitling him to purchase alcoholic liquor, the licensed manufacturer or wholesaler must make a record of the sale to him showing registry number of such license or permit, date thereof and where and to whom it was issued and the date of such sale, name and address of the purchaser and kind and quantity of alcoholic liquor sold to him.

(5) The licensed manufacturer or wholesaler shall maintain a record of all shipments of liquor received and an individual record of each and every sale made, which record shall disclose the name and address of the pur-

chaser and the kind and quantity of alcoholic liquor sold to each purchaser. The licensed manufacturer or wholesaler shall obtain from the carrier a receipt for each shipment of alcoholic liquor to each purchaser and shall deliver such receipt or a duplicate original thereof to the Iowa liquor control commission.

(6) All records, books of account and premises of a licensed manufacturer or wholesaler shall be accessible and available at all reasonable times for inspection by representatives of the Iowa liquor control commission.

(7) A monthly report showing the amount of wine on hand at the beginning of the month, and the amount produced and purchased, the amount sold and used for family and any other information requested on report forms shall be sent to the Iowa liquor control commission by each licensed manufacturer or wholesaler. This report must reach the commission not later than the last day of the month following the month or period of time for which each report is made. Report forms to be furnished by the commission.

### **Regulation 3. Investigation Before Issuing License or Permit.**

(1) No manufacturer's or wholesaler's license, nor any special permit described in section 123.27 of the 1958 Code of Iowa, shall be issued until an investigation has been made which shows that the applicant is entitled to such license or permit under the laws of Iowa and the rules and regulations of the Iowa liquor control commission.

### **Regulation 4. Reports by Holder of Special Compounds Permit.**

(1) The holder of a special compounds permit (being the type of permit referred to in subsection 2. "c" of section 123.27 of the 1958 Code of Iowa) shall deliver to the Iowa liquor control commission, within ten days after receipt of any alcoholic liquor purchased from any seller other than said commission, a complete report showing the quantity, alcoholic proof, and description of each type of such liquor, and the name and address of the seller, and date the liquor was received.

### **Regulation 5. Ethyl Alcohol.**

(1) Ethyl alcohol (meaning potable ethyl alcohol not contained in an alcoholic liquor ordinarily used for beverage purposes) shall be sold only (a) to holders of special permits described in section 123.27 of the 1958 Code of Iowa, and (b) to holders of scientific permits for use in laboratory, scientific, experimental or testing purposes only, who after application, giving full information regarding such proposed use, receive permission from the commission to purchase ethyl alcohol.

### **Regulation 6. Sureties on Bonds.**

(1) Bonds furnished the commission by (a) employees of this commission (b) manufacturers of compounds (c) wholesaler liquor dealer (d) liquor manufacturers, must have for surety some surety company authorized to transact business in the state of Iowa by

the state insurance department, except that manufacturers of compounds shall furnish personal bonds approved by this commission and with the certificate of sufficiency of sureties certified by the clerk of courts, or bonds furnished by a surety company authorized to transact business in the state of Iowa.

## **PERSONNEL AND STORE OPERATIONS**

### **Regulation 7. Liquor Store Hours.**

(1) The official opening hours of stores shall be as follows: Class A stores open at 10:00 a.m. and close at 8:00 p.m. Class B stores and Class C stores open at 11:00 a.m. and close at 8:00 p.m. Class D stores open at 12:00 noon and close at 6:30 p.m. each day except Saturday when they close at 8:00 p.m. All store hours will be stated unless otherwise assigned different hours by the commission.

(2) It shall be unlawful to transact the sale or delivery of any liquor before opening or after closing hours except that sales may be made to permittees already in the store before the closing time.

### **Regulation 8. Prospective Employees—Physical Examination.**

(1) Before anyone can become a full-time employee of the Iowa liquor control commission, he or she may be required to submit to a physical examination by a doctor approved by the commission, the expense of this examination to be borne by the prospective employee.

### **Regulation 9. Conditions of Employment—Temporary.**

(1) All employees of the commission shall be originally appointed on a temporary or try-out basis to test their capability, qualifications and fitness for the position involved for a period of six months before being designated as "Regular" employee. Temporary employees are subject to dismissal or transfer upon recommendation of department heads. Compensation during tryout period may be fixed at a figure below the salary paid "Regular" employees for same kind of work.

### **Regulation 10. Conduct of Employees.**

(1) Any employee of the commission who consumes alcoholic liquor upon the premises where employed, regardless whether said liquor shall have been obtained from the commission or otherwise acquired, shall be relieved of his duty, and immediately discharged from the employ of said commission, and any employee employed by the commission who reports to duty intoxicated, shall be immediately discharged from such employ.

### **Regulation 11. "No Politics" Regulation.**

(1) No member, officer or employee of said commission shall, while holding such office or position, hold any other office or position under the laws of this state or of any other state or of the United States, and shall not engage in any occupation or business inconsistent and/or interfering with the duties of such employment; and no such member, officer or employee shall, while holding such office or position,

serve on or under or be a member of any committee of any political party, and shall not, directly or indirectly, use his influence to induce any other officer or officers, employee or employees, elector or electors, of this state to adopt his political views or to favor any particular candidate for office, nor shall any such member, officer or employee contribute in any manner, directly or indirectly, any money or other things of value to or for any person or persons, committee or committees, for campaign or election purposes. Any such member, officer or employee who violates any of the terms and/or provisions of this subsection (2) shall be deemed guilty of corruption. (Sec. 123.14, 1958 Code of Iowa)

**Regulation 12. Salaries, Vacations and Leaves of Absence.**

(1) "Salaries specifically provided for in an appropriation Act of the general assembly shall be in lieu of existing statutory salaries, for the positions provided for in any such Act, and all salaries shall be paid in equal monthly or semimonthly installments and shall be in full compensation of all services, except as otherwise expressly provided. All employees of the state, including highway maintenance employees of the state highway commission are granted one weeks vacation after one years employment and two weeks vacation per year after two or more years employment, with pay. Leave of absence of thirty days per year with pay may be granted in discretion of the head of any department to employees of such department when necessary by reason of sickness or injury; unused portions of such leave for any one year may be accumulative for three consecutive years."

(2) Employees of the Iowa liquor control commission are, after one full years employment, granted one weeks vacation with pay during their second year of employment; and after two years of employment are granted to two weeks vacation with pay during their third year of employment and three weeks vacation will be granted after ten years of employment.

(3) Provided, however, that with the approval of the department head, vacations can be taken any time between January 1 through November 15 and if not so taken shall be deemed to have been waived for the year. All vacations must be taken in periods of not less than one week.

(4) Vacations are granted—not earned and are not to be considered as any part of earned compensation. Nor are they accumulative from year to year.

(5) Department heads are to advise with the employees of their departments and arrange schedules of vacation to conform as nearly as may be with the wishes of the employee and the efficient conduct of departmental work.

(6) Exceptions to the foregoing regulations may be had only upon written request to the commission, approved by the department head.

**Regulation 13. Limitations on Sales.**

(1) No liquor shall be sold to (a) any person with any portion of whose subsistence is dependent upon either public or private charity or any portion of whose subsistence is dependent upon relief work furnished by city, county, state or federal government, (b) habitual drunkards (c) any person who resells or otherwise uses the liquor purchased contrary to the laws of the state.

**Regulation 14. Duplicate Permits.**

(1) Before issuing a duplicate permit, vendors and other employees authorized to issue them shall, by inquiry of the applicant and by such other investigation as may be necessary, make reasonably certain that the permit to be replaced by the duplicate has been lost, destroyed or stolen, and for such purpose they may require a written affidavit, sworn to be the applicant, reciting the facts and circumstances as to such loss, destruction or theft.

**Regulation 15. Names and Purchases of Permits Confidential.**

(1) The names of permit holders, and the record of sales to them, shall be kept confidential by the commission and its employees, except that the commission may, in its discretion, authorize examination of the files and records of such matters by law enforcement officers and make information in regard to such matters available to such officers.

**Regulation 16. Sale or Brand Information.**

(1) No accounting or statistical data relative to liquor sales, liquor inventories, and operations of the commission shall be furnished, to anyone outside the commission's organization except as herein provided.

(2) The comptroller's office shall furnish each month to the National Alcoholic Beverage Control Association, Washington, D. C., a report showing liquor sales by code number, in units and retail sales value. Similar information is now being supplied to this Association by all State Liquor Control Boards.

(3) Any advertising agency, any representative of a liquor vendor or anyone seeking information concerning sales or inventory of any liquor code number sold by this commission, or any one making inquiry, verbal or written, concerning financial or operating figures of the commission shall be referred to members of the commission.

**TRADE PRACTICES**

**Regulation 17. Solicitation of Employees Prohibited.**

(1) Manufacturers, wholesalers or distributors of alcoholic liquor, and their servants, agents and representatives, shall not solicit either in person, by mail or otherwise, vendors, or the employees of the commission's stores for the purpose or with the intent of furthering the sales of a particular brand or brands of merchandise as against another brand or brands of merchandise.

(2) No employee of the commission shall attempt to influence any customer of any com-

mission store to purchase any particular brand of alcoholic liquor in preference to any other brand.

(3) No liquor salesman shall be permitted to transact any business in person with employees of the commission.

#### TRANSPORTATION AND WAREHOUSE

##### **Regulation 18. Transportation of Liquor.**

(1) Shipment of intoxicating liquor made by or consigned to the Iowa liquor control commission anywhere within the state of Iowa may be received, transported and delivered to such consignee by any common carrier without compliance or requiring compliance with sections 125.16, 125.20, 125.22 and 125.33, Code of Iowa, 1958.

(2) Any common carrier may receive for transportation, and transport and deliver tax-free alcohol consigned to a holder of a permit from the United States government authorizing such holder to purchase tax-free alcohol; provided, however, that in respect of such shipments compliance shall be had with sections 125.16, 125.20, 125.22, Code of Iowa, 1958; provided further, that such common carrier shall make to the Iowa liquor control commission report of each such shipment showing date thereof, to whom and where made, and the character and quantity of such shipment.

(3) Any common carrier may receive for transportation, and transport and deliver sacramental wines to holders of clergymen's permits issued under and pursuant to chapter 134, Code of Iowa, 1958, provided the transportation thereof and delivery to the consignee is in conformity with the provisions of said chapter.

(4) Any common carrier may receive for transportation, and transport and deliver shipments of intoxicating liquors consigned by either a wholesaler, distiller, rectifier, or blender holding a license as such, issued by this commission and consigned to a point outside of the state of Iowa without compliance or requiring compliance with sections 125.16 or 125.20, Code of Iowa, 1958.

(5) Any common carrier may receive for transportation, and transport and deliver shipments of intoxicating liquors made by or consigned to wholesalers, distillers, rectifiers, blenders and manufacturers holding a permit issued by this commission; provided that in respect to such shipments and the delivery thereof, compliance shall be had and required with sections 125.16, 125.20, and 125.22, Code of Iowa, 1958, and provided further that promptly upon arrival of any such shipment at the delivery point, the carrier shall report to the commission at Des Moines the purported amount and character thereof, and the name and address of the consignor and consignee.

##### **Regulation 19. Rules and Regulations as Between Shippers and this Commission.**

(1) *Shipment into State.* Shipments of alcoholic liquors, wines, and malt beverages can only be made into the state of Iowa by out-of-

state vendor against purchase order issued by the Iowa liquor control commission. Purchase orders require three signatures which shall be those of the three commissioners if present. In the event of one or two of the commissioners being absent the secretary and/or comptroller shall sign. Shipments can only be made to state warehouse, Camp Dodge, Grimes, Iowa.

(2) *Purchase Order and Requirements.* The original copy of the purchase order and a duplicate acknowledgment copy are mailed direct by the Iowa liquor control commission to the vendor. The shipping plant will execute the acknowledgment copy and return same direct to the Iowa liquor control commission duly signed.

(3) *State Certification Label and Affixing thereof.* The Iowa liquor control commission certification labels, (state seals) must be affixed to the bottle on a smooth surface so that it will adhere without wrinkles. It is preferred that the label be affixed to a protective space slightly above the shoulder so that it will not be damaged in rubbing against another object. The label should not overlap the federal strip stamp, nor other bottle labels. Do not affix the seal on the bottom, back, or below the shoulder in an unprotected position on the bottle.

In such instances where it is not possible for the vendor to affix the seals to the bottles at the time of shipping, or bottles sent to the commission as stated in Regulation 17, (4), or bottles sent to the commission for the sole purpose of chemical analysis and sampling of proposed new listings, the following procedure is hereby adopted by the commission:

a. Delivered merchandise at the commission warehouse, Camp Dodge, Grimes, Iowa, not bearing state of Iowa seals, shall have seals placed upon said merchandise by warehouse employees. Seals will not be disbursed and charged to the warehouse until receiving reports have been received in the central office, and bear the notation that seals are not on said merchandise.

b. Merchandise received in the central office for the purpose of new listings, for chemical analysis, changes in proof or formula, shall be addressed in care of "Chairman, Iowa Liquor Control Commission, East 7th and Court Avenue, Des Moines, Iowa", and if said merchandise does not bear the Iowa seal, the chairman shall issue orders, to place upon said merchandise an Iowa seal, to record the receipt of the merchandise to the inventory, to make written notice of the merchandise and seal number to the commission, which in turn shall, during one of its commission meetings, make note of and place into the minutes of the meeting, the receipt of this merchandise, seal numbers so allocated and the purpose for which received.

c. Merchandise located in the state stores, not bearing seals, or seals having been damaged, shall be handled through the merchandise manager in charge of stock distribution. An accurate and up to date inventory of all seals in his possession must be retained by the

merchandise manager, and will be subject to audit at all times by the liquor commission and the state auditor.

(4) *Bottle-Label Requirements and Registration.* After the type of container and labels submitted are approved by the Iowa liquor control commission for use on shipments into Iowa no change may be made in the type of container or labels without the expressed approval of the commission. All labels must conform to the regulations of the Federal Alcohol Administration.

(5) *Standard Case Code Label.* All shipments of alcoholic liquors, wines, etc., consigned to the Iowa liquor control commission must have affixed to each shipping case, a standard case code label as adopted by the industry advisory committee for control states. Affix the standard case code label to the end of the case and to that end of the case which will place the government (serial number) side on your left as you stand facing the case. Affix the label in the upper left-hand corner of the designated end of the case and about one-quarter inch away from the edges to prevent fringing. On such merchandise where serial numbers are not used, affix the standard case code label on the recognized end of said case. This will permit the warehouse to tier cases with the end with the standard case code label outward and the government or serial number side on the left, as you stand facing the tier of cases.

Insert in the space provided on the standard case code label, the purchase order number of the Iowa liquor control commission covering the specific shipment. This reference may be inserted by rubber stamp or printed as may meet the convenience of the seller. Purchase order number should not exceed one-half inch in height or be less than three-eighths of an inch in height.

(6) *Notification—Changes in Age, Proof, Formula.* Whenever consent has been given by the Iowa liquor control commission for a change in either age or proof, the supplier must notify the commission at the time the first shipment goes forward, giving the new age or proof together with car number and initial, date of shipment, etc. Failure of the shipper to give this notification shall mean that shipper shall assume all cost of necessary inconvenience suffered by the Iowa liquor control commission as a result of the changes made. Letter covering this advice should be forwarded as follows:

Original to:

Commissioner  
Iowa Liquor Control Commission  
East 7th & Court Avenue  
Des Moines 8, Iowa

Copy to:

Merchandise Manager  
Iowa Liquor Control Commission  
East 7th & Court Avenue  
Des Moines 8, Iowa

(7) *Car Loading Plan.* Be as consistent as possible in keeping codes together and yet keep cases properly and safely braced.

(8) *Standard Manifest of Liquor Shipment.* Standard manifest of liquor shipment on typewriter, (or its equivalent as to legibility) and handled as follows:

a. Original to go forward with shipment.

b. Duplicate to accompany copy of forwarding advice furnished to Superintendent of Warehouse, Camp Dodge, Grimes, Iowa.

(9) *How to Consign Shipments.* All shipments to the Iowa liquor control commission are to be forwarded on straight bill of lading. The original bill of lading is to be retained in the files of the shipping plant for future use in supporting claims, etc. The signed memorandum copy of the bill of lading is to be forwarded to invoice department to be attached to the invoice when prepared and mailed to Iowa. Freight rate must be shown on the bill of lading in the proper place.

(10) *Prepaid Freight and Freight Bill.* Under the sales agreement with the Iowa liquor control commission, the goods are sold on a delivered price basis at their warehouse railroad side track. Freight charges must accordingly be fully prepaid to destination by distillers' shipping plants. The shipping plant will retain the prepaid bill and not forward it to Iowa.

(11) *Forwarding Advice.* Upon forwarding shipment the shipper shall send by First Class Mail such advice showing therein:

a. Shipping Point .....

b. Shipping Date .....

c. Car No. ....

d. I.L.C.C. purchase order Nos. ....

e. .... Cases of Code .....

..... Cases of Code .....

..... Cases of Code .....

The above advice should be directed to:

Commission Secretary  
Iowa Liquor Control Commission  
East 7th & Court Avenue  
Des Moines 8, Iowa

Copies of above advice should be sent under separate cover to each of the following:

\*Superintendent of Warehouse  
Iowa Liquor Control Commission  
East 7th & Court Avenue  
Des Moines 8, Iowa

\*together with duplicate of manifest (See Rule No. 10)

Merchandise Manager  
Iowa Liquor Control Commission  
East 7th & Court Avenue  
Des Moines 8, Iowa

(12) *Mail Forwarding Advice:*

Original To:

....., Commission Secretary  
Iowa Liquor Control Commission  
East 7th & Court Avenue  
Des Moines 8, Iowa

\*Copy to:—(with blue manifest attached thereto)

Superintendent of Central Warehouse  
Iowa Liquor Control Commission  
East 7th & Court Avenue  
Des Moines 8, Iowa



\*Copy to:  
Merchandise Manager  
Iowa Liquor Control Commission  
East 7th & Court Avenue  
Des Moines 8, Iowa

(14) For correspondence purpose:  
Chairman  
Commissioner  
Commissioner  
Commissioner Secretary  
Comptroller  
Assistant Comptroller  
Supervisor of Permit Department  
Superintendent of Central Warehouse  
Merchandise Manager

\*each copy to be mailed separately.

(13) *Invoicing Instructions.* Shipping plant is to use its own regular invoice form as no special invoice form is supplied by the Iowa liquor control commission. Iowa liquor control commission's purchase order number must be shown on the invoice and in the proper place. Car initial and number must be shown without fail and complete routing. Iowa code number must be shown on the same line with the particular brand and size and not placed at the foot of the invoice. The various items on the invoices must be listed in consecutive order of the code numbers, namely, the item carrying the lowest code number must be the first item appearing on the face of the invoice, etc. If freight charges are prepaid the charge may be added to the invoice for liquor, showing total weight, applicable rate and extension. The signed memorandum copy of the bill of lading is to be attached to the invoice when mailed to Iowa. Shipping plant will retain in its files the original bill of lading. After completing the invoice to the above extent, the shipping plant must show the following claimant's affidavit typewritten across the face of the original and duplicate of the invoice and to have same signed.

Claimant's Affidavit

STATE OF .....  
.....COUNTY ss:

We, ....., the within claimant, do state that items for which payment is claimed were furnished under authority of the law, that the charge is just and lawful and that the same is wholly unpaid.

.....  
Claimant

The invoice in duplicate carrying the above claimant's affidavit together with signed memorandum copy of the bill of lading is to be mailed immediately to: (Also see following NOTE)

Accounting Department  
Iowa Liquor Control Commission  
East 7th & Court Avenue  
Des Moines 8, Iowa

NOTE: Shipping plant must be careful to observe the special requirements of Iowa and forward all shipping papers complete, attached together, and in the one envelope to the Accounting Department, Iowa Liquor Control Commission, East 7th & Court Avenue, Des Moines 8, Iowa, so that same will be received by the time shipment arrived. A complete set of shipping papers to the Accounting Department will comprise the following:

- a. Invoice in duplicate with claimant's affidavit executed thereon.
- b. Acknowledgment of order duly executed.
- c. Signed memorandum copy of bill of lading.

PURCHASES

Regulation 20. Procedure for Presentation of New Items—Hearings.

(1) The following information is furnished for the convenience and guidance of distillers, rectifiers and vendors of alcoholic liquors wishing to submit their products to the Iowa liquor control commission for consideration and possible listing.

(2) The form of liquor control in effect in Iowa is that of the "State Monopoly." This commission operates its own retail stores; all retail sales are by package for off-premises consumption.

(3) All forms of alcoholic liquors whose alcoholic content exceeds five percent by weight come under the jurisdiction of this commission. Beers whose alcoholic content does not exceed five percent by weight are defined by statute as "Nonintoxicating" and are sold under a system of private license administered by the Iowa state tax commission, cigarette and beer tax division.

(4) At the discretion of the commission a period of time is set aside as hearing dates concerning new listings, distillers, rectifiers and vendors of alcoholic liquors will be notified by the commission, and appointments for such hearings should be made through the office of the secretary for the commission.

(5) All concerns selling liquor to the state shall furnish to the commission a list of all officers and directors, if a corporation, or a list of all partners of a partnership, and also the name of the agent representing the concern within the state.

(6) No manufacturer, wholesaler or distributor of liquor, or agent or representative thereof, shall solicit either in person, by mail or otherwise, any employee of the commission, for the purpose or with the intent of furthering the sale of a particular brand or brands of merchandise as against another brand or brands of merchandise, and that at no time will any manufacturer, wholesaler, distributor, or their representative call upon or make contact personally with the commission or a member of the commission more than three times in any one year, unless so requested to do so by the commission, and that no manufacturer, wholesaler, distributor or representative of such manufacturer, wholesaler or distributor shall give away any alcoholic liquor of any kind or description or anything of value to any person in the employ of the liquor control commission. This last provision shall not prevent any contribution to any college,



university, or any research project for use in combating and studying alcoholism.

In relationship to the above, no member, secretary, officer or employee of the commission shall accept or receive any gift of alcoholic liquor or other things of value from any manufacturer, wholesaler or distributor doing business with the commission or seeking to do business with the commission, and that no member of the Iowa liquor control commission, secretary, officer or employee of the commission shall at any time give or sell any sample liquor, or liquor received for chemical analysis to any person.

(7) No agent or representative of any manufacturer, wholesaler or distributor of liquor shall visit any state liquor store except for the purpose of making a purchase in the usual manner, as any other customer, and such person shall not enter any warehouse, store of the commission for the purpose of sales promotion or to secure information regarding inventory or any other matter relating to sales.

(8) Upon violation of any of the foregoing regulations by any agent or representative, the commission shall demand the removal of such agent or representative from any further activities in the state and may delist his company's products.

(9) It shall be the duty of the secretary of the commission to list all brands submitted for listing with the comparison of the price offered with prices quoted to other states in a permanent book. This permanent book to be kept in office of buyer for perusal by commissioners at any time.

#### **Regulation 21. Liquor Samples.**

(1) "No manufacturer or wholesaler shall give away any alcoholic liquor of any kind or description at any time in connection with his business except for testing or sampling purposes only." (Section 123.39, Code of Iowa, 1958.)

(2) It shall be the duty of the Iowa liquor control commission, when a brand of liquor has been accepted for testing by the commission, to forward samples to the chemist for analysis. Such brand shall be subject to final approval by the commission after receiving a chemist's report.

(3) Distillers, rectifiers and vendors of alcoholic liquors must have their presentation made before the Iowa liquor control commission by some responsible officer of their organization such as, president, vice-president, secretary, comptroller or general sales-manager, and they may display samples to the commission during interviews not to exceed more than two bottles of each item. The commission reserves the right to establish a time limit on submission made. This rule is established as a means of shortening interviews.

(4) When a distiller wishes to change the formula or price of a brand already listed with the commission, he must submit new quotations thirty days prior to the effective date. If

a formula change, the distillers must forward two bottles to the commission for chemical analysis and sampling before the commission accepts the formula change.

(5) In June and December of each year, the commission shall order all remaining samples disposed of by transfer to stock or by destruction, or by transfer to hospitals or state institutions. The commission shall keep a written record of the method of disposition of all samples.

#### **Regulation 22. Purchase of Liquor.**

(1) Every purchase order for alcoholic liquors shall be signed by two or more members of the commission, or, in the absence of one of them the secretary or comptroller may sign.

(2) The initial purchase of a brand of liquor not currently stocked shall be made only upon the formal resolution of the commission authorizing said purchase. The commission shall enter into no agreement for the receipt of "bonus" cases of liquor as consideration for quantity purchases. The commission may, however, accept discounts in price given in consideration for quantity purchases.

#### **Regulation 23. Purchase of Equipment and Supplies.**

(1) In purchasing fixtures, equipment, merchandise, and supplies for the commission offices and state liquor stores, price and quantity being taken into consideration, Iowa made products shall be given preference.

(2) Every purchase order for supplies and equipment in an amount greater than one hundred dollars shall be approved by the commission. Purchase order for supplies and equipment in an amount of one hundred dollars or less may be approved by the purchasing agent. After required approval for the purchase of items requisitioned has been obtained, the purchasing department shall obtain written bids, at least three in number, if possible, from suppliers who are able to supply the required article. Bids may be dispensed with on purchases amounting to one hundred dollars or less.

(3) *Preparation of Purchase Orders.* After required approval of purchase requisitions has been obtained, the purchasing department shall prepare in quintuplicate Form O-1, purchase order. The five copies of Form O-1, purchase order should be used as follows:

1st copy (white)—For forwarding to the supplier.

2nd copy (white)—For forwarding to the supplier to obtain his acknowledgment of quantities, price quotations, etc. The supplier should sign the acknowledgment copy and return it to the purchasing department.

The purchasing department, after making notation on its records, should forward the acknowledgment copy to the accounting department, where it will be filed with the receiving report and the invoice covering the purchase.

3rd copy (blue)—For forwarding to the warehouse receiving clerk for use in checking the items delivered by the supplier against the items ordered. The warehouse receiving clerk should sign the third copy of the purchase order upon delivery of the items listed thereon and forward it to the accounting department.

4th copy (pink)—For filing in the purchasing department.

5th copy (yellow)—For filing in the accounting department.

(4) No employee of the commission shall make any representation for or on behalf of the commission for the purchase or lease of premises or equipment and supplies unless authority in writing is specifically given. No agreement for the construction of buildings or equipment for use of the commission shall be authorized unless formally approved in advance by the commission.

#### LIQUOR CONTROL LICENSES

[Filed October 1, 1963]

##### 1.1 (123) Improper conduct.

**1.1 (1) Illegality on premises.** No licensee, his agent, or employee shall engage in any illegal occupation or illegal act on the licensed premises.

**1.1 (2) Co-operation with law enforcement officers.** No licensee, his agent, or employee shall refuse, fail or neglect to co-operate with any law enforcement officer in the performance of such officer's duties to enforce the provisions of Title VI, Code of Iowa, 1962, as amended by the 60th G.A., and the rules promulgated thereunder.

**1.1 (3) Immoral activities.** No licensee, his agent, or employee shall knowingly allow in or upon his licensed premises any improper conduct, disturbances, lewdness, immoral activities, indecent, profane or obscene language, songs, entertainment, literature, pictures or advertising material, or cause to have printed or distributed any lewd, immoral, indecent, or obscene literature, pictures, or advertising material.

**1.1 (4) Molesting patrons.** No licensee, his agent, or employee shall knowingly allow in or upon his licensed premises the annoying or molesting of patrons or employees by other patrons or employees, nor any accosting or soliciting for immoral purposes.

**1.1 (5) Frequenting premises.** No licensee, his agent, or employee shall knowingly permit his licensed premises to be frequented by or to become the meeting place, hangout, or rendezvous for known prostitutes, homosexuals, vagrants, or those who are known to engage in the use, sale or distribution of narcotics or in any other illegal occupation or business.

[This rule is intended to implement section 123.46, Code of Iowa]

**1.2 (123) Violation by agent, servant, or employee.** Any violation of the within rules of

the Iowa liquor control Act as amended, by any employee, agent, or servant of a licensee shall be deemed to be the act of said licensee and shall subject the liquor license of said licensee to suspension or revocation.

[This rule is intended to implement sections 123.32 and 123.46, Code of Iowa]

**1.3 (123) Gambling evidence.** The presence of any gambling device, machine or apparatus referred to in section 123.46, as amended, upon the premises of any establishment licensed by the commission shall be prima-facie evidence of a violation thereof.

[This rule is intended to implement sections 123.32 and 123.46, Code of Iowa]

**1.4 (123) Bars and tables.** No licensee shall serve to or permit any patron to consume any alcoholic liquor unless such patron is either seated or standing at a bar or seated at a table or counter.

[This rule is intended to implement sections 123.43, and 123.46, Code of Iowa]

##### 1.5 (123) Sanitation.

**1.5 (1)** All establishments that shall come within the purview of the Iowa Liquor Control Act as amended and that are to be erected in the future shall conform to all of the within rules.

However, all establishments in existence on midnight, July 3, 1963, that come within the purview of the Iowa liquor control Act as amended, that are now in compliance with their respective cities, towns or county regulations pertaining to health and sanitation, shall be deemed in compliance with the within rules pertaining to sanitation. However, these establishments shall conform to the within regulations in regard to health and sanitation on or before 12:00 a.m. July 4, 1963.

**1.5 (2) Water.** All licensed establishments shall be equipped with hot and cold running water from a source approved by an authorized health department.

##### 1.5 (3) General cleanliness.

*a.* All bars, tables, counters, coolers, extra beer tap rods, refrigerators, and all other fixtures or equipment, and all basements, rooms or other places used to serve or store beer, wine or liquor, shall be kept in a clean and sanitary manner at all times.

*b.* All open windows, doors and other openings to the outside shall be screened and protected against flies.

**1.5 (4)** Licensees and employees shall wear clean clothing and be clean about their person. No person or persons who have any contagious or infectious disease of any kind are allowed to operate or work in such a place of business. Proprietors are held responsible, and any violation will be prosecuted under the state law. No person shall prepare or serve food who is infected with any communicable disease. Smoking by proprietors, cooks and help is strictly forbidden while preparing or serving food. Proprietors are held responsible, under the state law, when

help violates this rule. Female employees should wear hair nets at all times while preparing or serving food and male employees should wear caps while preparing the food.

### 1.5 (5) Utensil cleansing.

*a. Hot water method.* All utensils must be thoroughly cleansed before sterilization. Immersion for at least two minutes in clean, hot water at a temperature of at least 170° F. or for one-half minute in boiling water. Unless actually boiling water is used an approved thermometer shall be available convenient to the vat. The pouring of scalding water over washed utensils shall not be accepted as satisfactory compliance. Where hot water is used for bactericidal treatment there shall be provided a hot water heater (preferably controlled by a thermostat) capable of maintaining a water temperature of at least 170° F. in the vat at all times during business hours. The heating device may be integral with the immersion vat. It is considered that even in the case of roadside stands hot water may be obtained through the use of gasoline or kerosene stoves, which may, if the wash and rinse vats are correctly constructed, be placed directly thereunder. Care shall be taken in the treatment of utensils by immersion in hot water to prevent the trapping of air in the container, thus preventing contact with the entire surface of the utensil. This may be accomplished by placing all glasses, cups and utensils in a venting position so that air will not be trapped. All glasses shall be inverted for drying on a corrugated surface and remain so until used. The use of drying towels is not approved.

*b. Chlorine method.* All utensils must first be thoroughly cleansed in water containing a good chemical cleanser, then immersed in a chlorine solution containing one-hundred ppm of available chlorine for a period of two minutes. At no time shall the solution be used after the strength of same has been reduced below fifty ppm. Fresh solution shall be made daily and shall not be reused on any succeeding day. In making the chlorine solution, follow the instructions on the label of the commercial product used. If a third rinse is used to relieve the utensils of the chlorine taste, the rinse must contain not less than thirty ppm of available chlorine. The department inspector shall satisfy himself by the use of the Orthotolidins test that all solutions in actual use are of the required available chlorine strength. Care shall be taken in the treatment of utensils by immersion in chlorine rinse to prevent the trapping of air in the container, thus preventing contact with the entire surface of the utensil. This may be accomplished by placing all glasses, cups and utensils in a venting position so that air will not be trapped. All glasses shall be inverted for drying on a corrugated surface and remain so until used. The use of drying towels is not approved.

*c. Quaternary ammonium compound method.* All utensils must first be thoroughly cleaned, using a good detergent, not soap, then immersed in a rinse containing two hundred ppm of a quaternary ammonium compound

for a period of at least one hundred fifteen seconds. At no time shall the solution be used after the strength of same has been reduced below one hundred ppm. Rinse tank shall be filled daily with fresh solution and more often if the carry-over of water from previous tank is sufficient to cause a dilution of one hundred ppm, or if this rinse becomes dirty in appearance. If three tanks are used—(1) wash, (2) rinse-warm water, (3) quaternary ammonium compound used. The department inspector shall satisfy himself, by the use of a standard test for the compound used, that the strength of all solutions in actual use are of the required strength. Care shall be taken in the treatment of utensils in immersion in quaternary ammonium compound, rinse in a manner to prevent the trapping of air in the container, solution shall contact the entire surface of the utensil. This may be accomplished by placing all glasses, cups and utensils in a venting position so that air will not be trapped. All glasses shall be placed bottoms up for drying on a corrugated surface and so remain until used. The use of drying towels is discouraged.

### 1.5 (6) Toilets.

*a.* All licensed establishments dispensing alcoholic beverages shall provide properly designated flush toilets for each sex. Such toilets shall be so constructed as to assure complete privacy as to segregation of sexes. Toilets shall be easily accessible with no entrance through a kitchen or living quarters. Each toilet shall have outside ventilation, or be vented thereto (vents to be six inches in diameter).

*b.* The minimum floor space of each toilet shall be five feet by seven feet or thirty-five square feet. The floor of each toilet shall be made of a nonabsorbent material which shall extend eight inches on the walls above the floor level and be equipped with a drain.

*c.* Toilets for men shall have the following equipment: One wash bowl with running water, one intermittent or flush type wall urinal (minimum length three feet), one flush stool complete with cover (same to be segregated from urinal by a partition) for each one hundred patrons based on seating capacity of establishment, individual sanitary towels, plenty of soap, sanitary toilet paper and a metal receptacle for accumulated waste.

*d.* Toilets for women shall have the same equipment as for men except urinal, the amount of equipment to be determined the same as for men.

*e.* All toilets and wash rooms, including walls, floors, ceilings and fixtures shall be kept in a clean and sanitary condition; walls and ceilings shall be painted with a light-colored waterproof oil paint or enamel.

*f.* The foregoing regulations shall in no way be construed as to prevent any county, city or town from setting up an ordinance, more restrictive regulations governing such establishments within their jurisdiction.

[This rule is intended to implement section 123.27, Code of Iowa]

**1.6 (123) Display of license, permit, signs.** All licenses, permits and signs issued by the Iowa liquor control commission must be framed under glass and shall be prominently displayed in full view of the licensed premises.

[This rule is intended to implement section 123.27(6), Code of Iowa]

**1.7 (123) Employees mingling with patrons.** No licensee shall permit any employee engaged in the serving of food or alcoholic liquor in his establishment to eat, drink, or mingle with the patrons.

[This rule is intended to implement section 123.46, Code of Iowa]

**1.8 (123) Out-door service.** Any licensee having tables out of doors may serve the type of alcoholic liquor permitted by his license at such tables, provided that such tables are immediately adjacent to the indoor premises.

[This rule is intended to implement section 123.27(6), Code of Iowa]

**1.9 (123) Allowing another to use permit.** No licensee shall permit the sale of alcoholic liquor upon any portion of his premises for which he may have leased, sold or transferred the right of possession to another person not licensed by this commission.

[This rule is intended to implement section 123.29, Code of Iowa]

**1.10 (123) Defacing of seals.**

**1.10 (1) Reuse of seals—destruction of such.** No licensee shall reuse defaced or canceled Iowa liquor control commission seals from any box, case, package or container.

**1.10 (2) Every licensee when he has removed the last bottle or container from any original case or carton of alcoholic beverages, except beer, must destroy or deface any federal government marks, brands, tax stamps, or serial numbers.**

[This rule is intended to implement section 123.22(3), Code of Iowa]

**1.11 (123) Retail price to include mix.** The retail price of each alcoholic beverage drink sold by the licensee, his agents, servants, or employees shall include the price of the mix, ice or any fluids of any kind used with alcoholic drinks, and shall be prepared by the licensee, his agents, servants, or employees.

[This rule is intended to implement section 123.100, Code of Iowa]

**1.12 (123) Identification cards.** At the time of application for a license, each applicant is requested to state the name or names of employees who will make purchases for the licensee from the Iowa liquor stores. Identity cards for these persons will be issued by the commission. If and when any of these persons are no longer in the employ of the licensee, it will be the duty of the licensee to return the identity card to the commission and a new identity card will be issued to the new employee.

[This rule is intended to implement section 123.27 (8) (f), Code of Iowa]

**1.13 (123) Advertising.**

**1.13 (1) Brand name prohibited, except on menus, or bill of fare and price list.** Advertising of spirits by brand name on the premises of a retail licensee is prohibited, except on menus or price lists. The printing, lettering, or type size shall be the same size for all brand names listed.

**1.13 (2) Political advertising.** All political advertising designed to advance or promote the candidacy of any individual seeking public office at the hands of the electorate, such as poster signs, placards, handbills, or any other matter purporting to bring the public's attention to such candidacy, is prohibited in licensed establishments.

**1.13 (3) Advertising upon article.** No retail licensee of the liquor control commission shall advertise upon any article which has utility or secondary use or purpose aside from its actual advertising value, nor shall any retail licensee give away any article or thing of value as advertising or in connection with his business: Provided, however, that this regulation shall not apply to book matches, nor to ordinary calendars which can be used only for calendars and to which no article or thing of value is attached; nor to specialty advertising carrying a prominent advertising imprint, for the primary purpose of advertising.

**1.13 (4) Window displays.** No licensee of any class shall expose any alcoholic liquor or containers in window displays.

**1.13 (5) Limitation on wording and size of sign.** No existing exterior sign and no exterior sign to be erected in the future which states that alcoholic beverages are sold or available, cannot exceed the size of ten and one-half square feet, and must not contain the word "liquor".

[This rule is intended to implement section 123.47, Code of Iowa]

**1.14 (123) Prohibited interest in business of licensee.** No licensee or any agent or employee thereof shall accept any aid or assistance by gifts, loan of money, free merchandise, treats, discounts, premiums, or rebates or property of any description or other valuable things, from any alcoholic liquor distiller, wholesaler, warehouseman, or their agents.

**1.14 (1) Liquor distiller interest.** No alcoholic liquor distiller, warehouseman, or wholesaler, shall have any financial interest, directly or indirectly, in the establishment, maintenance, operation or promotion of business of any other licensee. No alcoholic distiller, broker or wholesaler, nor any stockholder thereof shall have any interest by ownership in fee, leasehold, mortgage, or otherwise, directly or indirectly, in the establishment, maintenance, operation or promotion of the business of any licensee. No alcoholic liquor distiller, broker, or wholesaler shall have any interest directly or indirectly by interlocking directors in a corporation or by interlocking stock ownership in a corporation

in the establishment, maintenance, operation, or promotion of the business of any licensee.

**1.14 (2) Donations by distiller.** No alcoholic liquor distiller, broker, specially designated distributor or any other licensee shall directly or indirectly make any contribution or donation of any kind to any other licensee or specially designated distributor, nor to any club, lodge, order or any fraternal, social, patriotic or religious organization for tickets, grand openings, anniversaries or otherwise, and no licensee shall directly or indirectly solicit or accept any such contribution or donation.

[This rule is intended to implement section 123.40, Code of Iowa]

**1.15 (123) Transfer of license to another location.** No licensee shall transfer location of his license nor make any alterations in the physical structure of his licensed premises, nor install any additional bars, without the consent of the liquor control commission being first duly obtained.

[This rule is intended to implement section 123.29, Code of Iowa]

**1.16 (123) Prohibited storage of alcoholic beverages.** No licensee shall permit alcoholic beverages, purchased under authority of his liquor control license, to be kept or stored upon any premises other than those licensed.

[This rule is intended to implement section 123.46(9) and section 123.96, Code of Iowa]

**1.17 (123) Inspection and audits of licensees.** The premises of any licensee shall be open at all reasonable times for the inspection of auditors, accountants, investigators, agents of the enforcement division of the Iowa liquor control commission and other law enforcement agencies, and all stocks and books and records appertaining to the business of the licensee shall likewise be available for examination and inspection by such officers and agents at all reasonable times. A search warrant shall not be required for said inspection.

[This rule is intended to implement sections 123.17 (2) "n", 123.27 (6) "d", Code of Iowa]

**1.18 (123) Orders of the commission.** No licensee shall fail, refuse or neglect to obey any written order of the commission issued relative to the operation of his licensed establishment.

[This rule is intended to implement section 123.17, Code of Iowa]

**1.19 (123) Public notice of suspension.** At the time of the suspension of any license by the commission there shall be placed in a conspicuous place in the front door or window of the licensed establishment, a placard furnished by the commission showing that the license of that establishment has been suspended by the commission and such placard shall also show the number of days and the reason for the suspension. No licensee or other person shall remove, alter, obscure or destroy said placard without the express written approval of the Iowa liquor control commission.

[This rule is intended to implement section 123.32, Code of Iowa]

**1.20 (123) Sales prohibited during period of suspension.** No licensee shall sell, serve or allow consumption of any alcoholic beverages upon the licensee's premises during the period his license is suspended or revoked by the commission.

[This rule is intended to implement section 123.32, Code of Iowa]

**1.21 (123) Dram shop liability insurance requirements.** For the purpose of providing proof of financial responsibility as required by section 123.95, Code of Iowa, a liability insurance policy must meet the following requirements:

**1.21 (1)** It must be issued by a company holding a current certificate of authority from the Iowa insurance commissioner authorizing the company to issue dram shop liability insurance in Iowa.

**1.21 (2)** It must be countersigned by a resident insurance agent licensed by the issuing company.

**1.21 (3)** It must provide the following minimum limits of liability, exclusive of interests and costs of actions, per accident: (For the purpose of this subsection, the word "accident" shall mean any one occurrence, on any one accident, or series of accidents or occurrences arising out of any one event or any one case of intoxication.)

a. Ten thousand dollars in respect to any one person who shall be injured in person.

b. Subject to the limitation above — stated as respects any one person, twenty thousand dollars in respect to all persons who shall be injured in person.

c. Five thousand dollars in respect to any and all persons who shall be injured in means of support.

**1.21 (4)** It must contain a provision that the policy cannot be canceled by either the company or the insured until after the Iowa liquor control commission at its office in Des Moines, Iowa, has received thirty days prior written notice of said cancellation.

**1.21 (5)** Subject to these conditions and exclusions usually found in a policy of dram shop liability insurance, it must contain coverage to insure against all civil tort liability of the insured created under the provisions of Title VI, Code of Iowa, as it now exists or may hereafter be amended.

**1.21 (6)** A licensee shall be deemed to have furnished proof of financial responsibility as contemplated by section 123.95, Code of Iowa, when it has filed with the liquor control commission at its office in Des Moines, Iowa, a properly executed copy of Form No. 10, a copy of which is attached hereto and by reference made a part hereof.

**1.21 (7)** Copies of Form No. 10 shall not be deemed properly executed unless the au-

thorized company representative executing the same shall first have filed with the Iowa liquor control commission a sample of his signature. Facsimile signatures will be acceptable.

show proof of financial responsibility as contemplated by section 123.95, Code of Iowa, must be made in writing to the Iowa liquor control commission and the form and the amount of such bond will be determined on each application individually.

1.21 (8) Applications to post bond in lieu of providing a liability insurance policy to

LIQUOR—STATE OF IOWA  
LIQUOR CONTROL COMMISSION  
LIQUOR CONTROL LICENSEE  
DRAM SHOP LIABILITY CERTIFICATE  
OF INSURANCE  
Filed With

IOWA LIQUOR CONTROL COMMISSION  
East Seventh and Court  
Des Moines 8, Iowa  
(Execute in Duplicate)

THIS IS TO CERTIFY, that the \_\_\_\_\_  
(Name of Company)  
(hereinafter called Company) of \_\_\_\_\_ has issued to  
(Home office address of Co.)  
\_\_\_\_\_ of \_\_\_\_\_  
(Name of Assured) (Address of Assured)

Policy No. \_\_\_\_\_ Effective from \_\_\_\_\_  
to \_\_\_\_\_.

The policy of insurance herein described contains coverage to comply with the provisions of Title VI, Code of Iowa, and all regulations of the Iowa Liquor Control Commission promulgated thereunder.

The policy described herein may be canceled by the company or the Assured giving thirty days notice in writing to the Iowa liquor control commission at its office, Des Moines, Iowa, said thirty days notice to commence to run from date notice is actually received at the office of the commission.

Whenever requested by the commission, the company agrees to furnish to the commission a duplicate original of said policy and all endorsements thereon.

Countersigned at \_\_\_\_\_  
this \_\_\_\_\_ day of \_\_\_\_\_, 19\_\_\_\_\_.

\_\_\_\_\_  
Authorized Company Representative

\_\_\_\_\_  
Iowa Resident Agent

Form L-10

[This rule is intended to implement section 123.95, Code of Iowa]

1.22 (123) Surety bond requirements. A five thousand dollar penal bond must be filed with the commission with each application for a liquor control license and must meet the following requirements:

1.22 (1) It must be issued by a company holding a current certificate of authority from the Iowa insurance commissioner authorizing the company to issue bonds in Iowa.

1.22 (2) It must be in penal sum of five thousand dollars to insure the payment of all taxes and penalties due the Iowa liquor control commission.

1.22 (3) It must contain a provision for the principal and his surety to consent to the forfeiture of the principal sum of the bond in the event of the revocation of the liquor license held by the principal if said revocation is the result of a conviction of any violations of paragraphs "a", "d", "e", or "h" of subsection 4, of section 123.46, Code of Iowa.

1.22 (4) It must contain a provision that the bond cannot be canceled by either the principal or the surety until after the Iowa liquor control commission at its office in Des Moines, Iowa, has received thirty days prior

written notice of said cancellation and the cancellation or notice thereof will be of no force and effect in the event of revocation.

1.22 (5) A licensee shall be deemed to have furnished a surety bond as contemplated by section 123.27, when it has filed with the Iowa liquor control commission at its office at Des Moines, Iowa, a copy of Form L-11, a copy

of which is attached hereto and by references made a part hereof.

1.22 (6) Applications to post a bond in lieu of providing a surety bond as contemplated by section 123.27, must be made in writing to the Iowa liquor control commission and each application will be determined individually.

STATE OF IOWA  
LIQUOR CONTROL COMMISSION  
DES MOINES, IOWA

This bond issued in connection with an application for a Class \_\_\_\_\_ Liquor Control License.

BOND

KNOW ALL MEN BY THESE PRESENTS

That \_\_\_\_\_ of \_\_\_\_\_ County  
(Principal) (City and/or County)

State of Iowa as Principal, and \_\_\_\_\_ of \_\_\_\_\_  
(City and State)

as surety, are held and firmly bound unto the STATE OF IOWA in the penal sum of FIVE THOUSAND DOLLARS (\$5,000), lawful money of the United States, for the payment of which, in Des Moines, Polk county, Iowa, we bond ourselves, our successors and our legal representatives firmly by these presents.

THE CONDITION of the foregoing is such that the principal and his surety consent to forfeiture of the principal sum of said bond in event of revocation of the license held by the principal under the provisions of chapter 123, Code of Iowa, if said revocation is a result of a conviction of any violation of paragraphs "a," "d," "e," or "h" of subsection 4, of section 123.46, Code of Iowa.

NOW, THEREFORE, if the said \_\_\_\_\_, shall well and truly observe and obey all of the provisions of Chapter 123, Code of Iowa, including the payments of all taxes as provided therein, then this bond shall be void, otherwise to remain in full force and effect.

THIS BOND shall be effective on \_\_\_\_\_, 19\_\_\_\_, and shall remain effective continuously without cumulative liability until canceled. This bond may be canceled by the principal or the surety by giving written notice to the other party and the Iowa liquor control commission at its office in Des Moines, Iowa, stating the date of cancellation, which in no event shall be less than thirty days after actual receipt of said notice; however, no cancellation shall be effective as to forfeiture in the event proceedings for the revocation of the principal's liquor control license have been or are commenced prior to the effective date of such cancellation.

Signed this \_\_\_\_\_ day of \_\_\_\_\_, 19\_\_\_\_

Principal

Surety

NOTE: Surety on this bond must be by a surety company holding a current certificate of authority from the Iowa insurance commissioner.

Form L-11

[This rule is intended to implement section 123.26, Code of Iowa]

1.23 (123) Alcoholic liquors levied upon or bankruptcy proceedings by licensee. Alcoholic liquors purchased and possessed by a liquor control licensee, and levied upon under execution on a valid judgment, or under a bankruptcy proceeding against such licensee, must be sold under the following provisions:

1.23 (1) An inventory must be made of all alcoholic liquors and the sheriff, or other

official, must contact the Iowa liquor control commission, or one of its duly authorized agents, furnishing them a copy of the inventory.

1.23 (2) The commission, or its duly authorized agency, may purchase the entire stock, or any part thereof, of the alcoholic liquors levied upon under execution at a wholesale cost to the commission or arrange

the disposition of the alcoholic liquors in a manner to be determined by the commission.

[This rule is intended to implement sections 123.17 and 123.16 (9), Code of Iowa]

**1.24 (123)** The sentences, sections and provisions of these regulations are declared to be severable, and any portion which is declared inoperative for any reason by a court of com-

petent jurisdiction shall in no way affect the remaining sentences, sections, or provisions of these regulations.

[This rule is intended to implement section 123.37, Code of Iowa]

[These rules shall become effective on September 10, 1963]

[Filed October 1, 1963]

## MEDICAL LIBRARY

[Amendments filed May 13, 1964]

**1. Borrowers.** Adult residents of the state are entitled to borrow books by filling out an application card.

**2. Loan Period.** The period of loan (except for reserve material) is two weeks; with the privilege of a two weeks renewal if at the time of request for renewal there are no other calls for the material. Student loans are for two weeks only.

**3. Postage.** The borrower pays the return postage on material sent through the mail.

**4. Student Loans.** Students may borrow three volumes at a time, no two of which may be on the same subject. Student loans are not renewable. There is a fine of two cents per day for each piece of literature kept out over the loan period.

**5. Reserve Material.** The librarian may place on reserve any material being used by

classes or groups and restrict loans on such material to overnight or over the weekend. Such loans are to be returned by 12:30 noon of the day designated or a fine of twenty-five cents paid for each day each piece is kept out beyond the stated time.

**6. Restricted Material.** Books purchased from the publisher under restrictive clause may be used only after application to and at the discretion of the librarian.

**7. Forfeiture of Privilege.** Loss of books or journals without paying for same, defacing or mutilating material, three requests for return of material without results, or necessity of asking attorney general's aid to have material returned, bars from future loans.

**8. Transients.** Transients and those at hotels may borrow books by depositing the cost of the book or five dollars, which is refunded when the book is returned.

## MERIT SYSTEM COUNCIL

Pursuant to the personnel provisions of the state department of social welfare, section 234.6, the employment security commission, section 96.11, the state department of health, sections 135.6, and 135.11, the state services for crippled children, section 263.9, and the mental health authority, Iowa civil defense administration, chapter 353, Laws of the 52nd General Assembly of the state of Iowa, and the standards for a merit system of personnel administration issued by the federal social security board on November 1, 1939.

[Filed August 20, 1952]

The merit system council submits herewith the regulations for the merit system as adopted by the participating agencies. These regulations meet the requirements of legislation enacted by the Congress of the United States, thereby enabling the agencies to qualify for federal aid. The agencies are empowered to operate under the merit system by statutes granting them power to employ personnel for the adequate operation of each department as established in the Code or laws of the state of Iowa, as follows:

### State and County Departments of Social Welfare:

**234.6 Powers and duties of the state board.** The state board shall be vested with the authority to administer old-age assistance, aid to the blind, aid to dependent children, child wel-

fare, and emergency relief, and any other form of public welfare assistance that may hereafter be placed under its administration. It shall perform such duties, formulate and make such rules and regulations as may be necessary; shall outline such policies, dictate such procedure and delegate such powers as may be necessary for competent and efficient administration. It shall have the power to abolish, alter, consolidate or establish divisions and may abolish or change offices created in connection therewith. It may employ necessary personnel and fix their compensation. It may allocate or reallocate functions and duties among any divisions now existing or hereafter established by the state board. It may promulgate rules and regulations relating to the employment of investigators and the allocation of their functions and duties among the various divisions as competent and efficient administration may require.

The state board shall:

**2. Co-operate with the federal social security board created by title VII of the social security act, 42 U.S.C. 901, enacted by the 74th Congress of the United States and approved August 14, 1935, or other agency of the federal government for public welfare assistance, in such reasonable manner as may be necessary to qualify for federal aid, including the making of such reports in such form and containing such information as the federal social**



security board, from time to time, may require, and to comply with such regulations as such federal social security board, from time to time, may find necessary to assure the correctness and verification of such reports.

3. Exercise general supervision over the county boards of social welfare and their employees.

#### **Employment Security Commission:**

##### **ADMINISTRATION**

#### **96.11 Powers, rules and personnel.**

4. **Personnel.** Subject to other provisions of this chapter, the commission is authorized to appoint, fix the compensation, and prescribe the duties and powers of such officers, accountants, attorneys, experts, and other persons as may be necessary in the performance of its duties. The commission shall classify its positions and shall establish salary schedules and minimum personnel standards for the positions so classified. All positions shall be filled by persons selected and appointed on the basis of competency and fitness for the position to be filled. The commission shall not appoint or employ any person who is an officer or committee member of any political party organization or who holds or is a candidate for any elective public office. The commission shall establish and enforce fair and reasonable regulations for appointments, promotions and demotions based upon ratings of efficiency and fitness and for terminations for cause. The commission may delegate to any such person so appointed such power and authority as it deems reasonable and proper for the effective administration of this chapter, and may in its discretion bond any person handling moneys or signing checks hereunder.

#### **State Department of Health:**

135.6 Assistants and employees. The commissioner shall employ such assistants and employees as may be authorized by law, and the persons thus appointed shall perform such duties as may be assigned to them by the commissioner, but the head of the division of examinations and licenses shall not be a person who has been licensed to practice any of the professions for which a license must be obtained from the department to practice the same in this state.

#### **State Services for Crippled Children:**

(Administered by the college of medicine of the state University of Iowa for the Iowa state board of education)

#### **262.9 Powers and duties.**

The board shall:

2. Elect a president of each of said institutions of higher learning; a superintendent of each of said other institutions; a treasurer and a secretarial officer for each institution annually; professors, instructors, officers, and employees; and fix their compensation.

#### **Iowa Mental Health Authority:**

Chapter 353, H.J.R. 10, Laws of the 52nd General Assembly of the State of Iowa.

Whereas the 79th Congress of the United

States enacted Public Law 487 which amends the Public Health Service Act to provide for research relating to psychopathic disorders and to aid in the development of more effective methods of prevention, diagnosis and treatment of such disorders and,

\* \* \*

Be it resolved by the General Assembly of the State of Iowa:

Section 1. The psychopathic hospital at Iowa City, Iowa, through its director is hereby designated as the "Iowa Mental Health Authority" for the purpose of directing the benefits of Public Law 487 of the 79th Congress of the United States and said Iowa mental health authority shall direct such program and disburse any funds in connection therewith by and with the consent of the committee on Mental Health hereinafter named in section 2.

\* \* \*

Section 3. It shall be the duty of the committee for mental hygiene to formulate the policies for the carrying out of the provisions of Public Law 487 of the 79th Congress of the United States and said committee shall direct the "Iowa Mental Health Authority" as to the projects to be undertaken under said law and the disbursement of any funds made available under such law.

\* \* \*

#### **Merit System Council:**

The personnel employed by the merit system council operate in accordance with the Regulations for the merit system. Recognition as an established division of government is made in chapter 45, S.F. 2, Acts of the 54th General Assembly as follows:

##### **DIVISION OF PERSONNEL**

#### **Section 3.**

4. **Merit System.** The present joint merit system now effective in state agencies expending federal funds shall remain in full force and effect so far as they apply to such agencies until such time as the plan and rules promulgated under the provisions of the preceding sections are approved by the appropriate federal agencies.

For the merit system in the state department and county boards of social welfare:

Pursuant to the personnel provisions of the department of Social Welfare Act, the federal social security Act as amended, the standards for a merit system of personnel administration in state employment security and state public assistance agencies, issued by the federal social security board on November 1, 1939, and the policies adopted by the children's bureau as a basis for review of provisions for a merit system of personnel administration in state plans, issued by the United States children's bureau on November 1, 1939, the state board of social welfare of Iowa hereby adopts the following regulations for the application of the merit principle of personnel administration in the state department of social welfare and on the staffs of the county boards of social welfare. These regulations shall supersede the previous per-

sonnel regulations of the state department and county boards and shall become effective on January 1, 1940.

For the merit system in the state department of health:

Pursuant to the personnel provisions of the federal security Act as amended, and the policies adopted by the children's bureau as a basis for review of provisions for a merit system of personnel administration in state plans, issued by the United States children's bureau on November 1, 1939, the state department of health hereby adopts the following regulations for the application of the merit principle of personnel administration in the state department of health. These regulations shall become effective January 1, 1940.

For the merit system in the employment security commission:

Pursuant to the personnel provisions of the employment security law, the federal social security Act as amended, and the standards for a merit system of personnel administration in state employment security and state public assistance agencies, issued by the federal social security board on November 1, 1939, the Iowa employment security commission hereby adopts the following regulations for the application of the merit principle of personnel administration in the employment security commission. These regulations shall supersede the previous merit system and personnel regulations in effect in the Commission, and shall become effective on January 1, 1940.

For the merit system in the state services for crippled children:

Pursuant to the personnel provisions of the federal social security Act as amended, and the policies adopted by the children's bureau as a basis for review of provisions for a merit system of personnel administration in state plans, issued by the United States children's bureau on November 1, 1939, the state services for crippled children, as administered by the college of medicine of the University of Iowa for the Iowa state board of regents, hereby adopts the following regulations for the application of the merit principle of personnel administration in the state services for crippled children, as administered by the college of medicine of the University of Iowa for the Iowa state board of regents. These regulations shall become effective January 1, 1940.

For the merit system in the Iowa mental health authority:

Pursuant to the provisions of the Public Law 487 of the 79th Congress of the United States as administered by the United States department of health, and as set out in chapter 353, Laws of the 52nd General Assembly of the state of Iowa, the Iowa mental health authority, as administered by the psychopathic hospital at Iowa City, Iowa, hereby adopts the following regulations for the ap-

plication of the merit principle of personnel administration in the Iowa mental health authority. These regulations shall become effective November 1, 1949.

For the merit system in the Iowa civil defense administration: Pursuant to the provisions of the Public Law 85-606, Eighty-fifth Congress, as administered by the United States Office of civil and defense mobilization, and as provided in chapter 82, Acts of the Fifty-eighth General Assembly of the state of Iowa, creating a civil defense administration, the Iowa civil defense administration hereby adopts the following regulations for application of the merit principle of personnel administration in the Iowa state civil defense administration, and in those local units which apply for matching funds and are not under the jurisdiction of an acceptable local civil service agency. These regulations shall become effective January 1, 1960. [Filed April 1, 1960]

For the merit system in the office of emergency planning:

Pursuant to the provisions of the Public Law 253 of the 80th Congress of the United States as amended and as administered by the office of emergency planning, and the laws of the Fifty-eighth General Assembly of the state of Iowa, creating the civil defense administration, the office of emergency planning hereby adopts the following regulations for application of the merit principle of personnel administration in the office of emergency planning. These regulations shall become effective June 1, 1964.

[Amendment filed July 30, 1964]

#### Statement of Policy

To effect the personnel provisions of the department of social welfare Act, the unemployment compensation Law, and the federal social security Act as amended, and to meet the requirements of the standards for a merit system of personnel administration in state employment security and state public assistance agencies, issued by the federal social security board on November 1, 1939, and the requirements of the policies adopted by the children's bureau as a basis for review of provisions for a merit system of personnel administration in state plans, issued by the United States children's bureau on November 1, 1939, and to meet the requirements of Public Law 487 of the 79th Congress of the United States as administered by the United States department of health and to meet the requirements of Public Law 85-606 of the 85th Congress of the United States as administered by the United States office of civil and defense mobilization and Public Law 253 of the 80th Congress of the United States as amended and administered by the office of emergency planning, the state board of social welfare, the employment security commission of Iowa, the state department of health, the state services for crippled children, as administered by the college of medicine of the state University of Iowa, for the Iowa state

board of education, the Iowa mental health authority, as administered by the psychopathic hospital at Iowa City, Iowa, the Iowa civil defense administration and the office of emergency planning have adopted these regulations for personnel administration based on the merit principle. Under these regulations all qualified persons shall have equal opportunity to compete for positions in the state department of social welfare, on the staffs of the county boards of social welfare, in the employment security commission, the state department of health, the state services for crippled children, the Iowa mental health authority, and the Iowa civil defense administration and the local civil defense units which receive matching funds and are not qualified under a local civil service department and the office of emergency planning. Appointments shall be made on a nonpartisan merit basis and, except for emergency and provisional appointments for periods limited by these regulations, all positions shall be filled from registers of eligibles established by merit examination. It shall be the policy of the state board of social welfare, the employment security commission, the state department of health, the state services for crippled children, the Iowa mental health authority, and the Iowa civil defense administration to make possible a career service in the programs by granting promotions on the basis of efficient work and by providing tenure of office to those who give satisfactory service.

These regulations shall apply to all personnel in the state department of social welfare and on the staffs of the county boards of social welfare, the employment security commission, the state department of health, including local personnel for whom the Commissioner of the state department of health is the appointing authority, the state services for crippled children, the Iowa mental health authority including local personnel for whom the director of the Iowa mental health authority is the appointing authority, and the Iowa civil defense administration and the local civil defense units under its supervision and the office of emergency planning. No appointment to a position other than an exempt position, as defined in Article I, definition 7, shall be made except in conformity with these regulations. Violations by any employee of any of the provisions of these regulations shall be considered sufficient cause for dismissal. [Amendments filed April 1, 1960; July 30, 1964]

## CONTENTS

### Article

- I. DEFINITIONS
- II. ORGANIZATION FOR MERIT SYSTEM
  - Merit System Council
  - Merit System Director
  - Agency Personnel Officers
- III. CLASSIFICATION PLANS
  - Preparation of Plans
  - Adoption of Plans
  - Allocation of Positions
  - Revision of Plans
  - Incumbents of Reallocated Positions

- IV. COMPENSATION PLANS
  - Preparation of Plans
  - Adoption of Plans
  - Administration of Plans
- V. APPLICATIONS AND EXAMINATIONS
  - Character of Examinations
  - Notice of Examinations
  - Filing Applications
  - Disqualification of Applicants
  - Conduct of Examinations
  - Rating Examinations
  - Rating Education and Experience
  - Investigations
  - Oral Examinations
  - Notice of Examination Results
  - Special Written Examinations
  - Physical Examinations
  - Examination Records
  - Change of Address
- VI. REGISTERS
  - Establishment of Registers
  - Duration of Registers
  - Removal of Names from Registers
- VII. CERTIFICATION OF ELIGIBLES
  - Request for Certification
  - Certification Methods
  - Subregister Certification
- VIII. APPOINTMENTS
  - Original Appointments
  - Provisional Appointments
  - Intermittent Appointments
  - Emergency Appointments
  - Temporary Appointments
  - State Residence Requirement
  - Veterans' Preference
- IX. STATUS OF EMPLOYEES APPOINTED PRIOR TO ISSUANCE OF FEDERAL GOVERNMENT'S PERSONNEL STANDARDS
  - Employment Security Commission
  - State Department of Social Welfare
  - County Boards of Social Welfare
  - State Department of Health
  - State Services for Crippled Children
  - Special Examination
- X. PROBATIONARY PERIOD
  - Nature, Purpose, and Duration
  - Conditions Preliminary to Permanent Appointment
  - Salary Advancement During Probation
  - Promotions During Probation
  - Transfer During Probation
  - Separation During or at Termination of Probation
- XI. PROMOTIONS
  - Method of Making Promotions
  - Promotion by Competitive Examination
  - Promotion by Noncompetitive Examination
- XII. TRANSFERS AND DEMOTIONS
  - Transfers
  - Demotions
- XIII. SEPARATIONS, TENURE, AND REINSTATEMENT
  - Resignations
  - Dismissals
  - Suspension
  - Reduction of Force
  - Like Penalties for Like Offenses
  - Tenure of Office
  - Reinstatement of Permanent Employees
  - Reinstatement to Register

## XIV. APPEALS

Appeal from Examination Rejection  
 Review of Examination Ratings  
 Appeal from Removal from Register  
 Appeal from Dismissal, Suspension,  
 or Demotion  
 Appeal from Promotion Rejection

## XV. ATTENDANCE AND LEAVE

## XVI. SERVICE RATINGS

## XVII. POLITICS AND RELIGION

No Interference with Election  
 No Disclosure or Discriminations  
 Recommendations Not Considered

## XVIII. OTHER EMPLOYMENT

## XIX. PAYROLL CERTIFICATION

## XX. RECORDS AND REPORTS

## XXI. CO-OPERATION WITH OTHER MERIT SYSTEM AGENCIES

## XXII. AMENDMENTS

## XXIII. CONSTRUCTIONS OF ARTICLES AND SECTIONS

## XXIV. EFFECTIVE DATE

## XXV. WAR-TIME GENERAL AMENDMENTS

## ARTICLE I

*Definitions*

The following definitions apply throughout these Regulations, unless the context clearly requires another meaning:

1. "Agency" means the state department of social welfare and the county boards of social welfare, duly constituted as provided by the Iowa department of social welfare Act, or the employment security commission, duly constituted as provided by the Iowa employment security law, or the state department of health, duly constituted as provided by the public health law, or the state services for crippled children as administered by the college of medicine of the state University of Iowa for the Iowa state board of education, hereinafter referred to as "State Services for Crippled Children," or the Iowa mental health authority as set out in chapter 353, Laws of the 52nd General Assembly of the state of Iowa, and administered by the psychopathic hospital at Iowa City, Iowa, through its director, or the Iowa civil defense administration, as provided by chapter 82, Acts of the 58th General Assembly of the state of Iowa [ch 28A of the Code], or the office of emergency planning or the merit system council for purposes of classification and compensation plan, as provided for in these regulations for employees of the merit system office. [Amendment filed April 1, 1960; July 30, 1964]

2. "Council" means the merit system council as provided by Article II.

3. "Director" means the merit system director as provided by Article II.

4. "Appointing Authority" means the state board of social welfare, a county board of social welfare, the employment security commission, the commissioner of public health, the state services for crippled children appointing authority, the Iowa mental health authority appointing authority, the Iowa civil defense administration appointing authority or the office of emergency planning appointing authority, empowered by law to appoint personnel. [Amendment filed April 1, 1960; July 30, 1964]

5. "Personnel Officer" means that employee of the state department of social welfare, the

employment security commission, the state department of health, the state services for crippled children, the Iowa mental health authority, the Iowa civil defense administration or the office of emergency planning, who is immediately responsible to the administrative head for the personnel administration of the agency, and whose duties are described in Article II. [Amendment filed April 1, 1960; July 30, 1964]

6. "Position" means an office or employment (whether part-time or full-time, temporary or permanent, occupied or vacant) composed of specific duties.

7. "Exempt Position" means a position here-in designated as a position exempted from the application of these regulations. The exempt positions in the state department of social welfare and in the county boards of social welfare are the following:

a. Members of the state board of social welfare;

b. The assistant attorney general;

c. Members of the county boards of social welfare;

d. Part-time professional persons who are paid for any form of medical, nursing or other professional service and who are not engaged in the performance of administrative duties under the state plan, provided that such persons meet the standards of training and experience established by the state board of social welfare; [Amended January 14, 1959]

e. Employees of county boards of social welfare who are employed during a seasonal period to conduct a garden project;

f. Janitors.

The exempt positions in the employment security commission are the following:

a. Members of the employment security commission;

b. Commissioners' confidential secretaries who are employed after March 1, 1960, not to exceed one for each commissioner; [Filed March 22, 1960]

c. Janitors; [Amendment filed July 6, 1961]

d. Part-time or short-term professional persons who are (1) paid for any form of service in conducting a special survey or project for occupational research and for which a separate allocation of funds has been made, and (2) are not engaged in the performance of administrative duties under the state plan, and (3) provided that such persons meet the standards of training and experience established by employment security commission. [Amended February 13, 1958]

The exempt positions in the state department of health are the following:

a. Commissioner of public health;

b. All part-time professional persons who are paid for any form of medical, nursing or other professional service and who are not engaged in the performance of administrative duties under the state plan, provided that such persons meet the minimum standards of train-

ing and experience established by the state department of health;

c. Personnel of the divisions of barbering, cosmetology and personnel of the examining boards for the chiropractic, chiropody, dentistry, embalming, medicine, optometry and osteopathic professions' personnel of the board of eugenics, and administrative personnel of the division of licensure; [Amended April 10, 1962]

d. Janitors.

The exempt positions in the state services for crippled children are the following:

a. The executive director of the state services for crippled children;

b. The secretary to the executive director;

c. The staff of the college of medicine and of the university hospital of the state University of Iowa;

d. Part-time professional persons who are paid for any form of medical, nursing or other professional service and who are not engaged in the performance of administrative duties under the state plan, provided that such persons meet the standards of training and experience established by the state services for crippled children.

The exempt positions in the Iowa mental health authority are as follows:

a. The director of the state psychopathic hospital of the state University of Iowa;

b. Part-time professional persons who are paid for any form of medical, nursing or other professional service and who are not engaged in the performance of administrative duties;

c. Janitors.

In addition to the above, personnel of hospitals, sanatoria, clinics and local mental health units receiving financial assistance from the mental health authority may be exempt.

The exempt positions in the Iowa civil defense administration are the following:

a. The state director and one local director in each jurisdiction, at the option of the local authorities;

b. Members of state and local boards or commissions;

c. Members of advisory councils paid only for attendance at meetings;

d. State and local officials serving ex officio and performing incidental administrative duties;

e. Part-time professional or technical persons who are paid for any form of medical, nursing or other professional or technical service and who are not engaged in the performance of administrative duties;

f. Attorneys serving as legal counsel;

g. Janitors. [Amendment filed April 1, 1960]

The exempt positions in the office of emergency planning are the following:

a. The state director;

b. Members of boards or commissions;

c. Members of advisory councils paid only for attendance at meetings;

d. State and local officials serving ex officio and performing incidental administrative duties;

e. Part-time professional or technical persons who are paid for any form of medical, nursing or other professional or technical service, and who are not engaged in the performance of administrative duties;

f. Attorneys serving as legal counsel;

g. Janitors.

[Amendment filed July 30, 1964]

8. "Class" means a group of positions sufficiently similar as to the duties performed, degree of supervision exercised or required, minimum requirements of education, experience, or skill, and such other characteristics, that the same title, the same tests of fitness, and the same schedule of compensation may be applied to each position in the group.

9. "Eligible" means any applicant for a merit examination who receives a final passing rating.

10. "Register" means an official established list of eligibles for a class in the order of their final ratings in a merit examination as described in Article VI.

11. "Employee" means any person in the employ of an agency who is paid a salary or wage.

12. "Original Appointment" means the first appointment of an individual to an agency through selection from a register in accordance with Article VIII, section 1.

13. "Probationary Period" means the first six months of employment beginning with the date of original appointment to a permanent position as described in Article X.

14. "Permanent Employee" means an employee whose permanent retention has been approved at the completion of a probationary period.

15. "Provisional Appointment" means an appointment for not more than six months to fill a position pending the establishment of a register for such position as described in Article VIII, section 2.

16. "Temporary Appointment" means an appointment from a register for a period not to exceed six months as described in Article VIII, section 5.

17. "Emergency Appointment" means an appointment for not more than thirty working days to a position required by a state of emergency as described in Article VIII, section 4.

18. "Promotion" means a change in status of an employee, from a position in one class to a position in another class having a higher entrance salary as described in Article XI.

19. "Salary Advancement" means an increase in salary within the salary range prescribed for the class by the agencies' compensation plans.

20. "Demotion" means a change in status of an employee, from a position in one class to a

position in another class having a lower entrance salary as described in Article XII.

21. "Transfer" means a change from one position to another in the same class or in another class having the same entrance salary as described in Article XII.

22. "Resignation" means the termination of employment of an employee made at the request of the employee.

23. "Dismissal" means the termination of employment of an employee for cause.

24. "Suspension" means an enforced leave of absence without pay for disciplinary purposes or pending investigation of charges made against an employee.

25. "Lay Off" means the termination of employment because of lack of funds, or work or because of material changes in duties or organization.

26. "Separation", a general term, means the removal of the name of an employee from the payroll.

#### ARTICLE II

#### *Organization for Merit System*

##### 1. Merit System Council

A merit system council shall be appointed by the governor, within thirty days from the effective date of these regulations, from a panel of six names presented to him through joint action of the state board of social welfare, the employment security commission, the state department of health, the state services for crippled children, the Iowa mental health authority and the Iowa civil defense administration. The council shall be composed of three members, who shall be public-spirited persons of recognized standing and of known interest in the improvement of public administration and in the impartial selection of efficient government personnel. No member of the council shall have held political office or have been an officer in a political organization during the year preceding his appointment nor shall he hold such office during his term. No member of the council shall have been an employee of the agencies within one year prior to his appointment. [Amendment filed April 1, 1960]

It shall be the duty of the council within the scope of these regulations:

a. To establish general policies for the administration of merit examinations and the hearing of personnel appeals as provided in Article XIV;

b. To hear such appeals or to establish impartial bodies to hear such appeals on its behalf;

c. To appoint a merit system director with the approval of the state board of social welfare, the employment security commission, the state department of health, the state services for crippled children, the Iowa mental health authority and the Iowa civil defense administration, to advise with him in formulating procedures for the conduct of merit examinations, and to inspect and review his activities for the purpose of assuring conformity

with these regulations and the policies of the council; [Amendment filed April 1, 1960]

d. To review the classification and compensation plans and to advise with the state agencies on their adoption and subsequent revisions;

e. To make recommendations to the agencies relative to their internal personnel practices to assure conformity with these regulations;

f. To approve a budget for submittal to the state agencies covering all costs of merit-system activities as covered by these regulations;

g. To promote public understanding of the purposes, policies, and practices of the merit system. As a means thereto, the council shall examine into and make a written report to the governor and to the state agencies at least annually on the operation of the merit system, including the conduct of examinations, the establishment of registers, certifications from registers, promotions, salary advancements, dismissals, demotions, transfers and separations, and the maintenance of the classification and compensation plans. Such reports shall be filed with the governor and the state agencies and shall be open to public inspection;

h. To review and make written recommendations to the state agencies with respect to any amendments to these regulations.

Members of the council shall serve for a term of three years or until successors have been appointed by the governor, except that in the first instance one member shall be appointed to serve until December 31, 1940; one member shall be appointed to serve until December 31, 1941; and one member shall be appointed to serve until December 31, 1942. In appointing a successor to a member of the council, the governor shall make his selection from a panel of three names presented to him through joint action of the state board of social welfare, the employment security commission, the state department of health, the state services for crippled children, the Iowa mental health authority and the Iowa civil defense administration. A member appointed to fill a vacancy occurring prior to the expiration of a term shall be appointed for the remainder of such term. Members of the council may be reappointed at the expiration of their term of office. [Amendment filed April 1, 1960]

The council shall elect a chairman from its membership. It shall also designate the merit-system director or one of his staff as its recording secretary, whose duty it shall be to keep a record of the proceedings of meetings. Meetings of the council shall be held as often as necessary and practicable upon call of the chairman or of the state agencies. Two members of the council shall constitute a quorum for the transaction of business. The state agencies shall have the right to be represented at all meetings of the council, but such representation shall be without voting power. The council shall adopt procedures for the conduct of its activities.

Members of the council shall each be paid ten dollars for each day devoted to work on the merit system council, but not more than two hundred dollars each in any fiscal year. They shall also be reimbursed for necessary traveling and other expenses.

## 2. Merit System Director

The merit system director shall be appointed under this merit system, shall be a person who has had training and experience in a field related to merit-system administration, shall have known sympathies with the merit principle in government service, and shall possess such other qualifications as are requisite for the performance of duties hereinafter defined. Within one year prior to his appointment, the director shall not have served as an employee of the agencies; nor within three years prior to his appointment shall he have held, nor during his term of office shall he hold, political office or office in any political organization. [Amended April 10, 1962]

In conformity with these regulations, the director shall develop and put into continuous effect policies and procedures for the administration of the merit system as they relate to the preparation, administration, and scoring of examinations; the preparation, custody, and maintenance of registers of eligibles; the determination of availability of eligibles for appointment; the certification for appointments; the determination of the adequacy of existing registers; and such other duties as may be prescribed herein or by the council.

The director, with the approval of the council, shall establish an office separate and distinct from the offices occupied by the agencies; shall select a staff of assistants, no member of which shall have been an employee of the agencies during the six months immediately preceding his appointment; and shall prepare and submit, with the approval of the council, budget requests to the state agencies covering all cost of merit-system activities. In selecting personnel, the director shall, insofar as practicable, make appointments in conformity with these regulations.

## 3. Agency Personnel Officers

Each state agency shall designate a staff employee to serve as personnel officer. The personnel officer shall be responsible to such state appointing authority for the internal personnel administration of the agency. It shall be his responsibility: To develop and put into effect procedures for carrying out the personnel policies of the agency; to participate in the preparation of and to administer the classification and compensation plans, to maintain personnel records of all persons employed in the agency and records of all personnel actions; to request certifications of eligibles by the director; to report to the director on the selection of eligibles, promotions, salary advancements, demotions, transfers, dismissals, resignations, and all types of appointments; to recommend to the appointing authorities, on the basis of reports received from the supervisory official concerned, the retention or

termination of probationary appointees at the close of the probationary period; to provide and administer a system of service ratings; to make a report to the state appointing authority at least annually on the personnel activities of the agency, a copy of which shall be filed with the council; to notify the director, as promptly as practicable, regarding vacancies which may occur in the agency; and to perform such other duties as are prescribed by these regulations or by the agency.

### ARTICLE III

#### *Classification Plans*

##### 1. Preparation of Plans

Each state agency shall formally adopt and make effective a comprehensive classification plan for all positions. Such plan shall be based upon investigation and analysis of the duties and responsibilities of each position and each position shall be allocated to its proper class in the classification plan. The plan shall be developed after consultation with supervisory officials, classification specialists, and persons technically familiar with the character of the work. When complete, the classification plan shall include for each class an appropriate title, a description of the duties and responsibilities, and the minimum requirements of education, experience, and other qualifications.

Insofar as practicable, all classes for clerical, stenographic, and other positions which are common to the agencies concerned shall have the same titles and the same minimum requirements.

##### 2. Adoption of Plans

The proposed classification plans, and any changes therein, shall be submitted to the council for review and recommendation. Each plan shall then be submitted to the appropriate state appointing authority for consideration, approval, and formal adoption. Thereafter, class titles so established shall be used in all personnel and financial records of the agencies, as well as in all examination procedures.

##### 3. Allocation of Positions

Every position in the agencies shall be allocated to one of the classes established by the classification plans. No person shall be appointed or promoted to any position until it has been properly classified as herein provided. As additional classes are established or existing classes are abolished or changed, such necessary allocation or reallocation shall be made to new or existing classes as is necessitated thereby.

##### 4. Revision of Plans

Existing classes may be abolished or changed, or new classes added, in the same manner as the classification plans are originally adopted.

##### 5. Incumbents of Reallocated Positions

When a position is reallocated to a different class, the incumbent shall not be deemed eligible to continue in the position unless he would have been eligible for original appointment,



promotion, transfer, or demotion, to a position of the new class while he was serving in the position as it was previously allocated. If he is ineligible to continue in such position, he may be transferred, promoted, or demoted, by appropriate action in accordance with such provision of these regulations as the agency may deem to be applicable. In any case in which the incumbent is ineligible to continue in the position and he is not transferred, promoted, or demoted, the provisions of these regulations regarding separations shall apply.

#### ARTICLE IV

##### *Compensation Plans*

### 1. Preparation of Plans

Each state agency shall formally adopt and make effective a comprehensive compensation plan for all classes. The plan shall include salary schedules for the various classes with the salary of each class consistent with the functions outlined in the class specifications. Initial, intervening, and maximum rates of pay for each class shall be established to provide for steps in salary advancement without change of duty in recognition of meritorious service. In arriving at such salary schedules, the advice and suggestions of appointing authorities, prevailing rates in other departments of the state, and other relevant factors shall be taken into consideration.

Insofar as practicable, all classes for clerical, stenographic, and other positions which are common to the agencies concerned shall have the same salary ranges.

### 2. Adoption of Plans

The proposed compensation plans, and any changes therein, shall be submitted to the council for review and recommendation. Each plan shall then be submitted to the appropriate state appointing authority for consideration, approval, and formal adoption. Salary ranges for classes shall be amended in the same manner as originally adopted.

### 3. Administration of Plans

The approved compensation plans shall constitute the official schedule of salaries for all classes in the respective agencies. No salaries shall be approved by the fiscal officers unless they conform to the approved compensation plans and are at one of the salary levels for the class. The entrance salary for any employee shall be at the minimum salary for the class to which he is appointed.

Provided, however, in view of the present abnormal employment conditions, the state department of health may make appointments above the minimum of the salary range for professional and administrative classes upon the following conditions:

a. Such appointments shall be made at one of the regularly established steps in the range, and not higher than the third step in the salary range of the class to which appointment is made;

b. Such appointment shall have the approval of the merit system council after written sub-

mission to the council by the agency of the reasons for the higher rate;

c. No individual shall be appointed at a rate higher than the entrance rate unless all individuals standing higher on the register are first offered the higher rate;

d. When such an appointment is made in the state office, or in a local unit at other than the minimum of the range, all employees in the same class in the state office, or the local unit shall be at or above the point in the range at which the appointment is made or shall be raised to that point.

An employee who is promoted shall have his salary raised to the initial rate of pay for his new class, if his previous salary was below such initial rate.

If his present salary falls within the range for his new class, and does not coincide with one of the steps of the new range, he shall be paid at the next higher rate. If his salary, following promotion, does not represent a one step of the range increase in the new class, he may be granted a regular one step advancement at the time of promotion. [Filed December 17, 1959]

An employee who is demoted shall have his salary reduced at least to the maximum rate for the new class. If his present salary falls within the range for the lower class, no change in his existing rate need be made at the time of demotion; except that in the event his present salary does not coincide with one of the steps in the new range, he shall be paid at the next lower rate in the new range.

An employee who is transferred shall be paid at his present rate or at the next higher rate of the class to which he is transferred in case there is not exact conformity between the intervening rates in the salary ranges of the two classes.

Salary advancements shall not be automatic, but shall be based upon quality and length of service and shall be controlled by agency regulations providing for fixed times for consideration of increases, for limitation of increases to a reasonable proportion of employees, for a reasonable distribution of increases among classes, and for the number of increases that an individual employee may receive.

#### ARTICLE V

##### *Applications and Examinations*

War-time amendment was made affecting this Article. See pages showing war-time amendments.

### 1. Character of Examinations

Examinations for entrance to the service shall be conducted on an open-competitive basis. Examinations shall be practical in nature, shall be constructed to reveal the capacity of the applicant for the particular position for which he is competing as well as his general background and related knowledge, and shall be rated objectively. A practical written examination shall be included, except that where peculiar and exceptional qualifications of a scientific or professional nature are required and competition through an assembled



examination is impracticable, an unassembled examination may be held. The director shall determine when competition through an assembled examination is impracticable and shall present satisfactory evidence to the council for approval.

Examinations shall include in addition to the written examination:

a. A competitive performance test for stenographic and typing positions and a performance test for other positions involving the operation of office machines;

b. A rating of education and experience for the more responsible positions, including all professional, technical, supervisory, and administrative positions;

c. An oral examination for positions requiring frequent contact with the public, or which involve important supervisory or administrative duties.

The director, with the approval of the council, shall assign definite weights to each part of the examination prior to its public announcement.

## 2. Notice of Examination

The director shall give public announcement of all entrance examinations at least three weeks in advance of the closing date for receipt of applications, and he shall make every reasonable effort to attract qualified persons to compete in these examinations. Notice of examinations shall be posted in important centers throughout the state and copies shall be sent to newspapers of state-wide circulation, radio stations, educational institutions, professional and vocational societies, public officials, and such other organizations and individuals as the director may deem expedient. Public announcement of examinations shall specify the title and salary range of the class, information as to the rates of pay at which appointments are expected to be made, the duties to be performed, the minimum qualifications required, the final date on which applications will be received, and all other conditions of competition, including the relative weights assigned to the various parts of the examination, the passing grades (to be determined in accordance with section 6 of this Article), and the fact that failure in one part of the examination will disqualify an applicant.

## 3. Filing Applications

All applications shall be made on forms prescribed by the council and must be filed with the director on or prior to the closing date specified in the announcement or postmarked before midnight of that date. Such applications shall include a statement from the applicant of all pertinent information regarding his education, experience, and age, and, in addition, the director may require a photograph of the applicant, a certificate of his physical fitness from one or more licensed physicians, and any other information which the director may deem necessary. All applications shall be signed, and the truth of all statements contained therein certified by such signature.

## 4. Disqualification of Applicants

Under the supervision and direction of the council, the director may refuse to examine an applicant, or, after examination, may disqualify such applicant or remove his name from a register, or refuse to certify any eligible on a register if:

a. He is found to lack any of the preliminary requirements established for the examination for the class;

b. He is so disabled as to be rendered unfit for the performance of the duties of the class;

c. He is addicted to the use of narcotics or the habitual use of intoxicating liquors to excess;

d. He has been convicted of any felony or other crime involving moral turpitude;

e. He has made a false statement of material fact in his application;

f. He has previously been dismissed from any public service for delinquency or misconduct;

g. He has used or attempted to use any pressure or bribery to secure an advantage in the examination or appointment;

h. He has directly or indirectly obtained information regarding examinations to which as an applicant he was not entitled;

i. He has failed to submit his application correctly or within the prescribed time limits;

j. He has taken part in the compilation, administration, or correction of the examinations;

k. He has otherwise violated provisions of these regulations.

A disqualified applicant shall be promptly notified of such action, and an applicant who is not admitted to an examination because of failure to meet the preliminary requirements shall be notified by letter to his last-known address sufficiently in advance of the examination to allow for an appeal from rejection as provided for in Article XIV, section 1.

## 5. Conduct of Examinations

Written examinations for the same class shall be conducted simultaneously in as many places as are necessary for the convenience of the applicants and as are practicable for proper administration. The director may designate such monitors as may be necessary to conduct examinations under instructions prescribed by him, and may also arrange for the use of public buildings in which to conduct the examinations. The director shall provide for the compensation of monitors in accordance with the approved budget for the purpose.

The identity of persons taking competitive assembled examinations shall not be disclosed to the examiners. An identification number, which shall be used to identify all papers of each applicant, shall be assigned by the director to each applicant. Any examination papers bearing the name of the applicant or identification other than the identification number shall be rejected. In cases of rejection the director shall promptly notify the applicant.

## 6. Rating Examinations

The director shall determine a final rating for each applicant's examination, computed in accordance with the weights for the several parts established by the director as set forth in the announcement. Failure in any part of an examination shall disqualify the applicant in the entire examination and shall disqualify him from participation in subsequent parts of the examination. All applicants for the same position shall be accorded uniform and equal treatment in all phases of the examination procedure.

The director, with the approval of the council, shall utilize appropriate scientific techniques and procedures in rating the results of examinations and in determining the final ratings of the competitors. In determining the system for rating results of the examinations, the director and the council shall give due regard to the number of candidates and to the number of vacancies which may reasonably be expected to occur in the life of the register.

## 7. Rating Education and Experience

When education and experience form a part of the total examination, the director, with the approval of the council, shall determine a procedure for the evaluation of the education and experience qualifications of the various applicants. The formula used in appraisal shall give due regard to recency and quality as well as quantity of experience and to the pertinency of the education. This procedure shall allow for the substitution of education for experience, and experience for education, within the limits stated in the class specification.

## 8. Investigations

The director shall investigate an applicant's education and experience to verify the statements contained in his application form and to adduce evidence regarding his character and fitness either before rating his education and experience or after giving an initial rating. If this investigation produces information affecting a rating of education and experience already given, the director shall re-rate the applicant's record accordingly, and shall make the necessary adjustments on the register. He shall also promptly notify the applicant of any such rerating.

## 9. Oral Examinations

War-time amendment was made affecting this section. See pages showing war-time amendments.

When an oral examination forms part of a total examination for a position, the director shall, with the approval of the council, appoint one or more oral examination boards as needed. An oral examination board shall consist of two or more members who shall be known to be interested in the improvement of public administration and in the selection of efficient government personnel, and at least one of whom shall be technically familiar with the character of work in the position for which the applicant will be examined. Any person holding political office or any officer or commit-

tee member of any political organization, or any person actively engaged in the work of any political organization, shall not serve as a member of any such board. Not more than one member of the oral board shall be an officer or employee of the agencies. If practicable, all applicants qualifying for the oral examination for the same class shall be rated by the same oral examination board. A member of an oral examination board shall disclose each instance in which he knows the applicant personally.

[Filed December 21, 1956]

## 10. Notice of Examination Results

Each applicant passing all parts of the examination shall be notified by mail by the director of his final rating as soon as the rating of the examination has been completed and the register established. An eligible, upon request and presentation of proper identification, shall be entitled to information concerning his relative position on a register. An applicant who fails any part of the examination or the total examination shall be notified of his failure.

## 11. Special Written Examinations

No applicant shall be given a special written examination unless the council by formal and recorded action finds that the applicant's failure to take or complete the original examination was due to an obvious error in connection with the administration of the examination for which the director or one of his assistants is responsible. The council's findings and recommendations shall be recorded in its minutes. No claim for a special written examination shall be allowed unless it is filed in writing with the council within ten days after the date the original written examination was held. Any special written examination shall be constructed on a pattern similar to the original written examination.

## 12. Physical Examinations

Before appointment applicants may be required to pass a satisfactory physical examination.

## 13. Examination Records

The director shall be responsible for the maintenance of all records pertinent to the examination program. Applications and other necessary examination records shall be kept during the life of the register. Examination records of appointees shall be kept permanently, but examination records of applicants not appointed may be destroyed thirty days after the register expires.

## 14. Change of Address

Each applicant or eligible shall file with the director notice of any change of address.

### ARTICLE VI Registers

#### 1. Establishment of Registers

After each examination the director shall prepare a register of the eligibles. The names of such persons shall be placed on the register in the order of their final ratings starting with

the highest. If two or more eligibles have final ratings which are identical, their names shall be arranged on the register in the order of their ratings on the written part of the examination; if the ratings on the written part of the examination are the same, their names shall be arranged on the register alphabetically. A register for a class identical in the agencies shall be used in making appointments to any agency.

Registers shall be established on a state-wide basis. The director shall, however, when requested by the state agency and upon the council's approval, establish geographic sub-registers of a register to include all names of eligibles on the register who reside within a specific area, such names being arranged in the order of their final ratings starting with the highest.

If a vacancy exists in a class for which there are less than three eligibles available, the director, with the approval of the council, may prepare an appropriate register for the class from one or more existing related registers. For this purpose the director shall select registers for classes for which the minimum qualifications and examinations are similar to or higher than those required for the class in which the vacancy exists. The director may, if necessary, rerate education and experience in accordance with Article V, section 7, on the basis of the minimum qualifications required for the class in which the vacancy exists.

## 2. Duration of Registers

The life of each register shall normally be one year from the date of its establishment, but this period may be reduced or extended by the director with the approval of the council. If no action is taken, the life of a register shall automatically be extended until a new comparable register is established. If the council abandons a register previous to establishment of a new comparable register, its minutes shall clearly indicate the reason for such action. A register may be deemed by the director to be exhausted if fewer than three available eligibles remain on the register. Upon the exhaustion of a register, or if the director, with the approval of the council, reduces the life of a register, he shall notify each eligible remaining on such register to this effect by mail to his last-known address.

It shall be the duty of the personnel officer to notify the director as far in advance as possible of vacancies which may occur in the agency. The director, with the approval of the council, shall be responsible for determining the adequacy of existing registers and for the establishment and maintenance of appropriate registers for all positions in the agencies exclusive of exempt positions.

## 3. Removal of Names from Registers

Under the supervision and direction of the council, the director may remove the name of an eligible from a register:

a. For any of the causes stipulated in Article V, section 4;

b. On evidence that the eligible cannot be located by the postal authorities;

c. On receipt of a statement from the eligible declining an appointment and stating that he no longer desires consideration for a position with the agency;

d. If three offers of a probationary appointment to the class for which the register was established have been declined by the eligible.

The director shall notify the eligible of this action and the reasons therefor by mail to his last-known address. An eligible's name shall be reinstated on the register upon showing of cause satisfactory to the director, or in accordance with a decision of the council upon appeal as provided in Article XIV, section 3.

## ARTICLE VII

### *Certification of Eligibles*

#### 1. Request for Certification

If a vacancy occurs in any position in an agency or if new positions are established and new employees are needed, requisition shall be submitted by the personnel officer to the director on a prescribed form. This requisition shall state the number of positions to be filled in each class together with the class title and other pertinent information. The sex of eligibles to be certified may be indicated when this is a reasonable requirement for a particular position.

For a local office position the personnel officer may request certification of names from a geographic subregister if such has been established.

#### 2. Certification Methods

Upon receipt of a requisition, the director shall certify and submit the names of available eligibles. If one position is involved, he shall certify and submit the three highest available names from the original entrance register established as a result of a merit examination for that class and the three highest available names from an appropriate promotional register if such exists. When there is more than one position involved, he shall, for each class, certify and submit from each of the above described registers a total number of names equal to five times the number of positions to be filled divided by three. (Fractions shall be considered as the next whole number.)

If the personnel officer has requested certification of names from a geographic subregister to fill a local office position, the director, with the approval of the council, may certify the three highest available names from both the appropriate subregister and from the state-wide register for the class to fill the vacancy in the local office; and the appointing authority may make selection from either certificate.

If there are no registers which the director with the approval of the council deems appropriate, then the director may certify and submit names in accordance with the above procedure from a register established as described in Article VI, section 1, paragraph 3.

If an eligible receives a probationary or permanent appointment, such appointment shall

constitute, for its duration, a waiver of his right to certification from any other register on which his name appears for a class the minimum salary of which is either equal to or lower than the minimum salary of his present class, unless at the time of such appointment he requests in writing that his name be retained for certification from such register. An employee whose name appears on a register for a class having a salary range higher than the salary range for his present class shall have his name certified and submitted by the director, and shall be given consideration by the appointing authority for the higher class if his name is reached.

If, under Article VIII, an appointing authority passes over the name of an eligible for three separate appointments from the same register, he may request the director to omit that name from any subsequent certification to his agency from that register. The appointing authority may also request the director to omit the name of the above eligible from any subsequent certification for a higher class in the same series.

Any other appointing authority may request the director to omit the name of an eligible, who is no longer being certified as provided above, on condition that the appointing authority, or his representative, has interviewed the candidate for a vacancy. [Amended May 11, 1965]

An eligible may be considered not available by the director if he fails to reply to a written inquiry after five days in addition to the time required for the transmission of the inquiry to his last-known address and return of reply.

### 3. Subregister Certification

If, in certifying and submitting the names of eligibles for a vacancy in a local office from a geographic subregister established for the area the director finds there are fewer than three such eligibles on the subregister, he shall certify and submit the names of the one or two such eligibles. If there is no local eligible, certification may be made from a subregister of eligibles established for a larger geographical area.

## ARTICLE VIII

### *Appointments*

#### 1. Original Appointments

All appointments to positions in the agencies exclusive of exempt positions shall be made in accordance with these regulations. Selection shall be made for each position from the names on the certificate, submitted by the director in accordance with Article VII, exclusive of the names of those persons who failed to answer or who declined appointment or of those names to whom the appointing authority offers an objection in writing based on Article V, section 4, which objection is sustained by the director with the approval of the council. When there is more than one position to be filled, appointments shall be made from those standing highest on the certificate and each name shall be considered at least three times for each position.

In selecting persons from among those certified, the appointing authority shall be permitted to examine their applications and reports of investigations and to interview them. Final selection shall be reported in writing by the personnel officer to the director.

If the eligible selected declines the appointment, evidence of declination and other such data shall be transmitted to the director for permanent record. An eligible may be considered by the director as having declined appointment if he fails to reply after five days in addition to time allowed for transmission of letter or telegram and return of reply. If an eligible accepts an appointment and fails to present himself for duty at the time and place specified, without giving reasons for the delay satisfactory to the appointing authority and the director, he shall be deemed to have declined appointment.

#### 2. Provisional Appointments

War-time amendment was made affecting this section. See pages showing war-time amendments.

If, in the opinion of the appointing authority, there are urgent reasons for filling a position and there are no eligibles on a register established as a result of an examination for the position, and no appropriate promotional register or other appropriate register exists, the appointing authority may submit to the personnel officer for forwarding to the director the name of a person to fill the position pending examination and establishment of a register. If such person's qualifications are then certified by the director as meeting the minimum qualifications as to education and experience specified in the class specification, such person may be provisionally appointed to fill the existing vacancy until an appropriate register is established and appointment made therefrom. No provisional appointment shall be made until the position has been classified and minimum qualifications established therefor in accordance with these regulations. No provisional appointment shall be continued for more than thirty days after an appropriate register has been established for the class, and in no event for more than six months from the date of appointment, except that for provisional appointments made between November 1, 1939, as provided in Article IX, and the date on which original registers are established from which appointments can be made, the six-month limitation may be extended to thirty days after appropriate original registers have been established. Successive provisional appointments of the same person shall not be permitted and a position shall not be filled by repeated provisional appointments. The period of provisional appointment shall not constitute a part of the probationary period except that when provisional appointments are made between November 1, 1939, and the date on which original registers are established from which appointments can be made, any period of provisional appointment extending beyond six months may be considered to constitute a part of the probationary period for

appointees who qualify as provided in Article IX, and who are selected from the registers to continue in the positions to which their provisional appointments have been made.

### 3. Intermittent Appointments

Lists, composed of the names of persons who have been permanent, probationary, or temporary employees appointed in accordance with these regulations and who have indicated to the director willingness to accept intermittent employment, may be prepared by the director either on a state-wide or on an area basis. Such lists, arranged according to classes, shall be known as reserve lists. If the work of an agency demands the services of a person for intermittent periods, the appointing authority may select a person from a reserve list for a class. An appointment may be made to a vacancy in the specific class for which the reserve list was established, as well as to a vacancy in a lower class, without regard to the standing of the persons on the reserve list and without prior clearance with the director, but such appointment shall be reported by the personnel officer to the director. An intermittent appointment to a higher class, however, shall not be made from any list for a lower class. When the reserve lists become exhausted, appointments shall be made in accordance with other provisions of this Article. The period of intermittent service shall not constitute a part of a probationary period. In no case shall intermittent employment of an individual continue longer than ninety days, or exceed a total of six months during any twelve-month period. [Amendment filed January 6, 1961]

### 4. Emergency Appointments

Whenever an emergency exists which requires the immediate services of one or more persons and it is not possible to secure such persons from appropriate registers, the appointing authority may appoint a person or persons without regard to other provisions of these regulations governing appointments. In no case, however, shall the same person be appointed for more than thirty working days during any twelve-month period. Each emergency appointment shall, when appointment is made, be reported in writing by the personnel officer to the director.

### 5. Temporary Appointments

If an employee is needed for a temporary period, a certification shall be made by the director of the names of those eligibles, in order of their places on an appropriate register, who have indicated willingness to accept temporary appointment. Certification shall be made in the manner set forth in Article VII. Appointments shall be made in the same manner as prescribed in this Article for probationary appointments. The duration of a temporary appointment shall be limited to the period of the need and in no event shall a temporary appointment continue for more than six months in any twelve-month period. The acceptance or refusal of a temporary appoint-

ment shall not affect an eligible's standing on a register nor his eligibility for a probationary appointment, and the period of temporary service shall not constitute a part of a probationary period. Successive temporary appointments to the same position shall not exceed six months in any twelve-month period.

### 6. State Residence Requirement

When required by the statutes of Iowa, all persons appointed to positions in the agencies must be citizens of the United States and must have been residents of the state for at least two years prior to their appointment.

### 7. Veterans' Preference

Preference in appointments shall be given to war veterans, in accordance with the Iowa soldier's preference law, who qualify for such appointments in accordance with these regulations.

## ARTICLE IX

### *Status of Employees Appointed Prior to Issuance of Federal Government's Personnel Standards*

#### 1. Employment Security Commission

Employees of the employment security commission who have received legal permanent appointments under the previously recognized merit system of the employment security commission established by regulations which went into effect January 21, 1938, and employees of the employment security commission who have received legal permanent appointments under the merit system rules of the United States employment service, shall retain their merit-system status in their present positions without further examination.

A person who is now serving in a classified position under probationary appointment under the existing merit system regulations, or a person who may hereafter be appointed to a classified position on probation from the existing registers for either the unemployment compensation division or the employment service division prior to the establishment of new registers under these regulations, may be given permanent appointment under the provisions of these regulations. The established registers for the above named divisions are hereby extended until new registers are established in accordance with these regulations. Employees of the Iowa employment security commission who were in the service of said commission on November 1, 1939, the date of the issuance of the standards for a merit system of personnel administration in state employment security and state public assistance agencies, issued by the federal social security board in accordance with the provisions of the federal social security Act as amended, whose positions were not covered by the previously recognized merit system of the commission, and who are certified by the employment security commission as having given satisfactory service, may be admitted to the examination for the position held at the time of the examinations without regard to minimum qualifications of education and experience, except that any incumbents who passed the previously recog-

nized merit-system examinations for appropriate or comparable positions and which they now hold will not be required to stand another examination to retain their positions. Upon certification by the director that they have attained passing grades in the examinations held in accordance with the provisions of Article V, they may be appointed as permanent employees without being required to serve a probationary period.

## 2. State Department of Social Welfare

An employee who is in the service of the state department of social welfare on November 1, 1939, the date of the issuance of the standards for a merit system of personnel administration in state employment security and state public assistance agencies, issued by the federal social security board in accordance with the provisions of the federal social security Act as amended, and the date of the issuance of the policies adopted by the children's bureau as a basis for review of provisions for a merit system of personnel administration, issued by the United States children's bureau in accordance with the provisions of the federal social security Act as amended, and who is certified by the state board of social welfare as having given satisfactory service, may be admitted to the examination for the position held by him on November 1, 1939, without regard to minimum qualifications of education and experience. Upon certifications by the director that he has attained a passing rating in the examination held in accordance with the provisions of Article V, he may be appointed as a permanent employee without being required to serve a probationary period.

An employee, certified as having given satisfactory service in accordance with the above paragraph in this section, who has been transferred or promoted to a position in another class subsequent to November 1, 1939, but prior to the examination for the position currently held, shall be required to meet the minimum qualifications of education and experience for the new class in order to be admitted to the examination for that position. Such an employee may, on certification by the director that he has attained a passing grade in the examination for that position, be retained as a permanent employee. An employee transferred or promoted as described above, who fails in the examination for the position currently held by him may, on certification by the directors that he has attained a passing grade in the examination for the position held by him on November 1, 1939, be retained in that position as a permanent employee, provided there is a vacancy in the class.

The services of an employee whom the director does not certify as having attained a passing grade in the examination for either of the positions referred to above in this section shall be terminated within thirty days after the establishment of a register for such position or positions in accordance with these regulations.

An employee filing an application for an examination other than for the two positions referred to above in this section shall not be given any preference with regard to minimum qualifications or certification. New employees appointed subsequent to November 1, 1939, but prior to the holding of examinations shall be regarded as having provisional appointments and shall be required to compete in the examinations without preference.

## 3. County Boards of Social Welfare

An employee who is in the service of a county board of social welfare or in the service of any county organization which is administering general relief under the direction of the county board of supervisors on November 1, 1939, the date of the issuance of the standards for a merit system of personnel administration in state employment security and state public assistance agencies, issued by the federal social security board in accordance with the provisions of the federal social security Act as amended, and who is certified by the county appointing authority as having given satisfactory service, may be admitted to the examination for the class to which the position held by him on that date has been allocated, without regard to minimum qualifications of education and experience. Upon certification by the supervisor that an employee of a county board of social welfare has attained a passing rating in the examination held in accordance with the provisions of Article V, he may be appointed as a permanent employee without being required to serve a probationary period.

Whenever integration may take place (in accordance with chapter 86, Laws of the Forty-eighth General Assembly, and the provisions of the department of social welfare Act as amended) an employee of any county organization which administered general relief under the direction of the county board of supervisors, who is certified by the merit system director as having passed a suitable merit examination, may be deemed a permanent employee without serving a probationary period if his period of continuous service has been six months or more. The services of such an employee who is not certified shall be terminated within thirty days after the date of integration. The person filling the position of county director for the county social welfare program at the time of integration, or the person filling the position of director of relief and/or overseer of the poor for the county general relief program at the time of integration, who is certified by the director as eligible for appointment, to the new position of county director but who is not selected for such appointment, may be eligible for appointment to a position in any lower class in the county or may be transferred in accordance with the provisions of Article XII, section 1.

An employee of a county board of social welfare, certified as having given satisfactory service by the county board of social welfare, who has been transferred or promoted to a position in another class subsequent to No-

ember 1, 1939, but prior to the examination for the position currently held, shall be required to meet the minimum qualifications of education and experience for the new class in order to be admitted to the examination for that position. Such an employee of a county board of social welfare may, on certification by the director that he has attained a passing grade in the examination for that position, be retained as a permanent employee. An employee of a county board of social welfare, transferred or promoted as described above, who fails in the examination for the position currently held by him may, on certification by the director that he has attained a passing grade in the examination for the position held by him on November 1, 1939, be retained in that position as a permanent employee, provided there is a vacancy in the class. The services of an employee of a county board of social welfare whom the director does not certify as having attained a passing grade in the examination for either of the positions referred to above shall be terminated within thirty days after the establishment of a register for such position or positions in accordance with these regulations. An employee filing an application for an examination other than for the two positions referred to above shall not be given any preference with regard to minimum qualifications or certification.

New employees of county boards of social welfare appointed subsequent to November 1, 1939, shall be regarded as having provisional appointments and shall be required to compete in the examinations without preference. New employees appointed subsequent to November 1, 1939, to the county organizations which administer general relief under the direction of county boards of supervisors shall have no preference in the examinations.

#### 4. State Department of Health

An employee who is in the service of the state department of health on November 1, 1939, the date of the issuance of the policies adopted by the children's bureau as a basis for review of provisions for a merit system of personnel administration, issued by the United States children's bureau in accordance with the provisions of the federal social security Act as amended, and who is certified by the state department of health as having given satisfactory service, may be admitted to the examination for the position held by him on November 1, 1939, without regard to minimum qualifications of education and experience. Upon certification by the director that he has attained a passing rating in the examination held in accordance with the provisions of Article V, he may be appointed as a permanent employee without being required to serve a probationary period.

An employee, certified as having given satisfactory service in accordance with the above paragraph in this section, who has been transferred or promoted to a position in another class subsequent to November 1, 1939, but prior to the examination for the position currently held, shall be required to meet the

minimum qualifications of education and experience for the new class in order to be admitted to the examination for that position. Such an employee may, upon certification by the director that he has attained a passing grade in the examination for that position, be retained as a permanent employee. An employee, transferred or promoted as described above, who fails in the examination for the position currently held by him may, on certification by the director that he has attained a passing grade in the examination for the position held by him on November 1, 1939, be retained in that position as a permanent employee, provided there is a vacancy in the class.

The services of an employee whom the director does not certify as having attained a passing grade in the examination for either of the positions referred to above in this section shall be terminated within thirty days after the establishment of a register for such position or positions in accordance with these regulations.

An employee filing an application for an examination other than for the two positions referred to above in this section shall not be given any preference with regard to minimum qualifications or certification. New employees appointed subsequent to November 1, 1939, but prior to the holding of examinations shall be regarded as having provisional appointments and shall be required to compete in the examinations without preference.

#### 5. State Services for Crippled Children

An employee who is in the service of the state services for crippled children on November 1, 1939, the date of the issuance of the policies adopted by the children's bureau as a basis for review of provisions for a merit system of personnel administration, issued by the United States children's bureau in accordance with the provisions of the federal social security Act as amended, and who is certified by the state services for crippled children as having given satisfactory service, may be admitted to the examination for the position held by him on November 1, 1939, without regard to minimum qualifications of education and experience. Upon certification by the director that he has attained a passing grade in the examination held in accordance with the provisions of Article V, he may be appointed as a permanent employee without being required to serve a probationary period.

An employee, certified as having given satisfactory service in accordance with the above paragraph in this section, who has been transferred or promoted to a position in another class subsequent to November 1, 1939, but prior to the examination for the position currently held, shall be required to meet the minimum qualifications of education and experience for the new class in order to be admitted to the examination for that position. Such an employee may, on certification by the director that he has attained a passing grade in the examination for that position, be retained as a permanent employee. An employee, trans-



ferred or promoted as described above, who fails in the examination for the position currently held by him may, on certification by the director that he has attained a passing grade in the examination for the position held by him on November 1, 1939, be retained in that position as a permanent employee, provided there is a vacancy in the class.

The services of an employee whom the director does not certify as having attained a passing grade in the examination for either of the positions referred to above in this section shall be terminated within thirty days after the establishment of a register for such position or positions in accordance with these regulations.

An employee filing an application for an examination other than for the two positions referred to above in this section shall not be given any preference with regard to minimum qualifications or certification. New employees appointed subsequent to November 1, 1939, but prior to the holding of examinations shall be regarded as having provisional appointments and shall be required to compete in the examinations without preference.

#### 6. Iowa Civil Defense Administration

An employee who is in the service of the Iowa civil defense administration on July 4, 1959, the effective date of the law creating the Iowa civil defense administration, who has been in continuous employment since that date and certified by the Iowa civil defense administration as having given satisfactory service, may be admitted to the examination for the position held by him on July 4, 1959, without regard to minimum qualifications of education and experience.

Upon certification by the director of the merit system that he has attained a passing rating in the examination held in accordance with the provisions of Article V, he may be appointed as a permanent employee without being required to serve a probationary period, provided that he has had a total of six months of continuous service immediately preceding such appointment. Otherwise he shall serve a probationary period of six months beginning with the date on which he was employed.

Whenever any local unit of a civil defense agency files an application to qualify under the provisions of Public Law 85-606, Eighty-fifth Congress, an employee of the local unit, who is certified as having given satisfactory service, and is certified by the merit system director as having passed a suitable examination, may be deemed a permanent employee without serving a probationary period if his period of continuous service has been six months or more.

New employees appointed subsequent to six months preceding the approval of the application, but prior to the examination for the position currently held shall be required to compete without preference.

An employee, certified as having given satisfactory service in accordance with the above

paragraphs in this section, who has been transferred or promoted to a position in another class subsequent to July 4, 1959, or in a local unit subsequent to six months preceding the approval of the application but prior to the examination for the position currently held, shall be required to meet the minimum qualifications of education and experience for the new class in order to be admitted to the examination for that position. Such an employee may, upon certification by the director of the merit system that he has attained a passing grade in the examination for that position, be retained as a permanent employee, provided that he has been employed six months. An employee, transferred or promoted as described above, who fails in the examination for the position currently held by him may, on certification by the director of the merit system that he has attained a passing grade in the examination for the position held by him on July 4, 1959, or in a local unit the position held by him six months prior to the approval of the application, be retained in that position as a permanent employee, provided there is a vacancy in the class.

The services of an employee whom the director of the merit system does not certify as having attained a passing grade in the examination for either of the positions referred to above in this section shall be terminated within thirty days after the establishment of a register for such position or positions in accordance with these regulations.

An employee filing an application for an examination other than for the two positions referred to above in this section shall not be given any preference with regard to minimum qualifications or certification. New employees appointed subsequent to July 4, 1959, or in a local unit subsequent to six months preceding the approval of the application, but prior to the holding of examinations shall be required to compete without preference. [Filed April 1, 1960]

#### 7. Special Examination

An employee who qualifies under sections 2, 3, 4, 5 or 6 of this Article and thereby becomes qualified for preference in the first entrance examinations held under these regulations, who is unable to take such examinations on the date or dates set because of illness or other cause beyond his control, may petition the council for an opportunity to take a special examination similar in nature to the first entrance examination for the same position. Such petition must be filed with the director within ten days of the date of the written test in the entrance examination.

The council shall require a written verified statement of the cause for failure to take the first entrance examination and shall not permit the taking of the special examination here-in provided except in cases in which satisfactory proof has been submitted establishing the causes which prohibited the petitioner from taking such first entrance examination.



## ARTICLE X

*Probationary Period***1. Nature, Purpose, and Duration**

All original appointments to permanent positions shall be for a probationary period of six months. The record made by the employee during his probationary period shall be an essential part in determining his eligibility for permanent appointment, and shall be utilized for the most effective adjustment of the new employee and for the elimination of any probationary employee whose performance does not meet the required standard of work.

**2. Conditions Preliminary to Permanent Appointment**

Thirty days prior to the end of the probationary period of an employee in the classified service the personnel officer shall obtain from the employee's superior or superiors a report in writing on a prescribed form which report shall evaluate the services of such employee during the probationary period and shall contain a recommendation of such superior or superiors as to whether the employee has met the requirements for his position, and shall recommend whether or not such employee shall receive permanent appointment. To this report the personnel officer shall add such comments and recommendations as he deems advisable. The personnel officer shall submit this report with his recommendations thereon to the state appointing authority within a reasonable time prior to the end of the probationary period. The state appointing authority shall review the reports and records of the probationary employee and shall determine whether or not the employee shall be given permanent status under the merit system. The personnel officer shall then notify the employee as to the decision of the state appointing authority, and if permanent appointment is not granted the employee's services shall terminate in accordance with these regulations. The personnel officer shall notify the director of the decision of the appointing authority.

**3. Salary Advancement During Probation**

No probationary employee shall receive a salary advancement, except as provided in section 4 of this article.

**4. Promotions During Probation**

The serving of a probationary period shall not, of itself, prevent an employee from being promoted to a position of a higher class, provided he is certified from an appropriate register for such higher class in accordance with the provisions of Article VII. If, within the above mentioned limitations, an employee is promoted in this way during a probationary period, the probationary period for the class to which he is promoted shall begin with the date of appointment to such latter class.

**5. Transfer During Probation**

Except as otherwise provided in section 4 of this article, an employee shall not be transferred during his probationary period to a

position of another class for which a register exists.

No employee, certified to a vacancy in a local office from a geographic subregister and appointed therefrom, in accordance with the provisions of Article VII, shall be transferred from that local office until the probationary period has been completed.

**6. Separation During or at Termination of Probation**

At any time during a probationary period an employee may be separated from the service without right of appeal or hearing, but the reasons given for the separation shall be submitted in writing to the personnel officer, and a copy shall be filed with the director for permanent record. Termination of an employee shall take place automatically at the close of the probationary period, and no further salary or other compensation shall be payable to him, unless permanent status in the program has been granted him by the state appointing authority.

The director, with the approval of the council and after consultation with the appointing authority, may restore the name of a probationary appointee whose services have been terminated to the register from which he was certified, in accordance with the procedure described in Article XIII, section 8, but the director shall not in the future certify the name of such person to the same appointing authority from the same register.

Whenever possible, notice of termination shall be given the probationary employee in writing fifteen days prior to the date of termination.

## ARTICLE XI

*Promotions***1. Method of Making Promotions**

As far as is practicable and feasible, a vacancy shall be filled by promotion of a qualified permanent employee based upon individual performance, as evidenced by recorded service ratings, with due consideration for length of service and for the capacity of the employee for the new position. Preference in promotion may be given to employees within an agency. All interagency promotions must be approved by the appointing authorities concerned.

A candidate for promotion must be certified by the director to possess the qualifications for the position as set forth in the specifications for the class for which he is a candidate, and he shall be required by the director to qualify for the new position by promotional competitive or noncompetitive examination administered by the director.

**2. Promotion by Competitive Examination**

If it is determined by the state agency to fill vacancies in a particular class by promotional competitive examination, such examination shall be given under the direction of the director. A promotional competitive examination may be limited to employees of the agency concerned or may, with the approval of the state agencies and the council, be open to employees of the agencies. An employee to

be eligible to compete for promotion must have permanent status and must meet the minimum qualifications as to education and experience for the class. A promotional competitive examination shall consist of any combination of the following: Written examinations, ratings on education and experience, evaluation of recorded service ratings and seniority, performance tests, and oral examinations. The combination in each case and procedures for the determination of the passing rating shall be announced by the director in advance of the examination, and shall take into consideration approved practices.

All employees who receive a passing rating shall be placed on a promotional register for the class in order of their examination ratings.

If a promotional and an original entrance register exist, the same number of names shall be certified from each register in accordance with Article VII. The appointing authority may make his selection from the names submitted from either register, giving such preference to present employees as the good of the service will permit.

### 3. Promotion by Noncompetitive Examination

If it is determined by the state agency to fill a vacancy by noncompetitive examination, an employee proposed for promotion shall be examined by the director in accordance with section 2, paragraph 1, of this Article, and if found to qualify for the class shall be so certified by him.

## ARTICLE XIII

### *Transfers and Demotions*

#### 1. Transfers

Except as otherwise provided in Article X, section 5, a transfer of an employee from one position to another of the same class in an agency or another agency may be made at any time by the appointing authorities concerned. All interagency transfers must also be certified by the director.

A transfer of a permanent employee from a position in one class to a position in another class having the same entrance salary shall be made only upon certification by the director with the approval of the appointing authorities concerned. The director shall require that the employee have the minimum qualifications as to education and experience for the new class. The director may also require a qualifying examination.

A transfer from a lower to a higher class is a promotion and shall be made only in the manner prescribed in Article XI.

#### 2. Demotions

A permanent employee may be demoted for inefficiency, or for other cause, but in all such cases the employee shall have the same rights of appeal to the council as employees who have been dismissed.

The director may require all permanent employees who are demoted to pass a qualifying examination except in instances where the demotion is within a series. [Amended March 18, 1960]

## ARTICLE XIII

### *Separations, Tenure, and Reinstatement*

#### 1. Resignations

An employee who resigns shall present the reasons therefor in writing to the appointing authority. A copy of the resignation shall be forwarded to and recorded by the personnel officer of the agency.

#### 2. Dismissals

The appointing authority, fifteen days after notice in writing to an employee stating specific reasons therefor, may dismiss any employee who is negligent or inefficient in his duties, or unfit to perform his duties. An employee may be dismissed without prior notice if he is found to be guilty of gross misconduct in connection with his duties, insubordination or if convicted of any felony or crime involving moral turpitude. Conviction means a final verdict of guilty in a court of record. When such conviction is final the employee shall have no recourse to appeal to the council.

#### 3. Suspension

The appointing authority may, after written notice, suspend any employee without pay for delinquency or misconduct for a period not to exceed thirty calendar days in any one calendar year.

#### 4. Reduction of Force

The appointing authority may separate or lay off any employee without prejudice, because of lack of funds, or curtailment of work. No permanent employee, however, shall be separated while there are emergency, intermittent, temporary, provisional, or probationary employees serving in the same class in the same agency. The order of separations due to reduction of force shall be based upon a formula to be formally established by the director, and approved by the council and the state agencies, and all such separations shall be reported to the director.

#### 5. Like Penalties for Like Offenses

In dismissals for cause and other punishments, like penalties shall be imposed for like offenses and no discrimination shall be exercised for political or religious reasons.

#### 6. Tenure of Office

The tenure of office of every permanent employee shall be during good behavior and the satisfactory performance of his duties as recorded by his service ratings and other measures of performance. This provision, however, shall not be interpreted to prevent the separation of an employee for cause, or the separation of an employee because of lack of funds or curtailment of work, when made in accordance with these regulations.

#### 7. Reinstatement of Permanent Employees

A person who has been or is a permanent employee and who has resigned, or who has been separated or has been demoted, shall be eligible for reinstatement in the classification held by him at the time of his separation or demotion, or to a position in a lower class, in

any agency within a period of time equivalent to the continuous period of his service in the agencies, provided he has been certified by the director as meeting the current minimum qualifications as to education and experience of the class to which he is being appointed. Prior to making such certification the director may require such employee to pass a qualifying examination. Reinstatement may then be made direct by the appointing authority if there is a suitable vacancy in the agency.

### 8. Reinstatement to Register

Upon written request to the director, the name of a permanent or probationary employee who has resigned while in good standing or who has been separated or laid off without prejudice or who has been demoted may, at the discretion of the director, be reinstated to the register from which his most recent appointment prior to his resignation, separation or demotion, was made. If the register from which his most recent appointment was made has expired, and if a new register is established within one year of the date of such resignation or separation, or demotion, for the same class as that in which the employee was previously serving, the employee's name may be placed on this new register as nearly as possible in such a position as would cause his name to be preceded by the same proportion of names on the new register as originally established as it was on the old register when originally established. As used in this section, the words, "old register" shall refer to that register from which his most recent appointment, prior to resignation, separation or demotion was made.

## ARTICLE XIV

### *Appeals*

#### 1. Appeal from Examination Rejection

Any applicant whose application for admission to an examination has been rejected by the director may appeal to the council for consideration of his qualifications. The council shall consider such appeal, if in writing, provided it shall have been received by the director within a period of seven days after notice of such rejection has been sent to the applicant. The council's decision with respect to any such appeal shall be final.

Applicants may be admitted to an examination by the director pending a consideration of a written appeal. Admission to a written examination under such circumstances, however, shall not constitute the assurance of a passing rating in education and experience.

#### 2. Review of Examination Ratings

Any applicant who has taken an examination may appeal to the council for review of his rating in any part of such examination to assure that uniform rating procedures have been applied equally and fairly. Such appeal must be filed in writing at the office of the director within thirty days after the date on which notification of the results of such examination was mailed to the applicant.

A rating in any part of an examination shall not be changed unless compliance with the foregoing conditions has been made and unless it is found by the director and the council that a substantial error has been made. The council's decision with respect to a review or change shall be final and shall be entered in its minutes. A correction in the rating shall not affect a certification or appointment which may have already been made from the register.

#### 3. Appeal from Removal from Register

An eligible whose name has been removed from a register for any of the reasons specified in Article VI, section 3, may appeal to the council for consideration. Such appeal must be filed in writing at the office of the director within thirty days after the date on which notification was mailed to the eligible. The director shall refer the appeal with all pertinent information to the council. The council, after investigation, shall make its decision and the eligible shall be notified accordingly by the director.

#### 4. Appeal from Dismissal, Suspension, or Demotion

A permanent employee who is dismissed, suspended, or demoted shall have the right to appeal to the council not later than thirty days after the effective date of the dismissal, suspension, or demotion. Such appeal shall be in writing and shall be transmitted to the director who shall arrange a formal hearing before the council within thirty days after receipt of the appeal. The director shall furnish the personnel officer of the agency concerned with a copy of the appeal in advance of the hearing. Both the employee and his immediate supervisor shall be notified reasonably in advance of the hearing and shall have the right to present witnesses and give evidence before the council. The appointing authority concerned shall have the right to be represented at the hearing. [Amended April 18, 1962]

The council, within ten days after the hearing, shall make its recommendations in writing to the appointing authority for consideration by the agency.

After consideration of the council's recommendations, the agency shall make its decision which shall be final and which shall be duly recorded in the permanent records of the agency. The personnel officer shall, in writing, promptly notify the employee of the agency's decision.

#### 5. Appeal from Promotion Rejection

A permanent employee who has been recommended for promotion but whose qualifications as to education and experience have been rejected by the director may appeal to the council for consideration of his qualifications within a reasonable length of time as determined by the council. After consideration of the employee's appeal, the council's decision shall be final.

## ARTICLE XV

### *Attendance and Leave*

Each agency shall adopt regulations cover-

ing attendance, vacation, sick leave, and other types of leave. Such regulations shall be uniformly applicable, insofar as possible, to the agencies.

ARTICLE XVI  
*Service Ratings*

The personnel officer in consultation with the state appointing authority shall establish and make effective a system of service ratings designed to give a fair evaluation of the quality and quantity of work performed in the agency. Insofar as practicable, the systems of service ratings in the agencies shall be uniform. Such ratings shall be prepared and recorded for all permanent employees at regular intervals, semiannually or annually. Service ratings shall be considered in determining salary advancements and in making promotions, demotions, and dismissals and in determining the order of separations due to reduction of force. An employee shall be notified of his service rating in writing by the personnel officer of the agency.

ARTICLE XVII  
*Politics and Religion*

**1. No Interference with Elections**

No employee of the agencies or the council shall use his official authority or influence for the purpose of interfering with an election or affecting the results thereof. All persons occupying positions other than those hereinbefore exempted in Article I, definition 7, while retaining the right to vote as they please and to express privately their opinions on all political subjects, shall take no active part in political management or in political campaigns.

**2. No Disclosure or Discriminations**

No question in any form of application or in any examination shall be so framed as to elicit information concerning the political or religious opinions or affiliations of any applicant, nor shall any inquiry be made concerning such opinions or affiliations, and all disclosures thereof shall be discountenanced. No discriminations shall be exercised, threatened, or promised by any person in the employ of the agencies or the council against or in favor of any applicant, eligible, or employee because of his political or religious opinions or affiliations.

**3. Recommendations Not Considered**

No recommendation of any applicant, eligible, or employee involving a disclosure of his political or religious opinions or affiliations shall be considered or filed by the agencies, the council, or any officer or employee concerned in making appointments or promotions.

ARTICLE XVIII  
*Other Employment*

No employee shall have conflicting employment, nor conflicting public office, while in the employ of the agencies. Determination of such conflict shall be made by the state agency concerned and the council. [Filed June 7, 1956]

ARTICLE XIX  
*Payroll Certification*

Copies of the payrolls of the agencies shall be forwarded by the personnel officers to the director for a review for conformity with the provisions of these regulations. Such review shall take place within two weeks following each payroll period.

ARTICLE XX  
*Records and Reports*

The personnel officer of each agency shall establish and maintain a service record for each employee of the agency, showing name, class title, organization unit, salary, change in status, service ratings, and such other personnel information as may be considered pertinent. Every recommendation for temporary or permanent change in status of an employee shall be submitted on prescribed forms to the personnel officer who shall submit his recommendations to the appointing authority. All personnel records of the agencies shall be open to the inspection of the council. The personnel officer shall make a written report, at least annually, to the state appointing authority on the personnel activities and procedures of the agency. A copy shall be simultaneously filed with the council.

ARTICLE XXI  
*Co-operation With Other Merit-System Agencies*

The council, with the approval of the state agencies, may co-operate with other state departments or with federal or local departments whose merit systems operate in conformity with standards comparable to those contained in these regulations. With the approval of the agencies, the council may announce and administer joint examinations in conformity with these regulations and the registers so established shall be given recognition under these regulations. With the approval of the agencies, the council may, in the absence of an appropriate register for a particular class, recognize an appropriate register for such class established under another merit system operating in conformity with these standards, and may accept regular certification from such registers under the article herein governing certification.

Upon the specific request of an agency, the council may recognize the permanent status and salary of a professional or administrative employee of another merit system operating in conformity with these standards, and may accept a transfer with like status and like salary within the approved range of the same class or a comparable class.

ARTICLE XXII  
*Amendments*

If and when it appears desirable in the interest of good administration, the state board of social welfare, the employment security commission, the state department of health, the state services for crippled children, the Iowa mental health authority and the Iowa civil defense administration, with the advice

and recommendations of the council, may make additions to or amend these regulations. [Amendment filed April 1, 1960]

ARTICLE XXIII

*Construction of Articles and Sections*

No section or article of these regulations shall be construed as to conflict with the provisions of the Iowa statutes.

ARTICLE XXIV

*Effective Date*

These regulations shall become effective on January 1, 1940.

ARTICLE XXV

*War-time General Amendments*

Where applicable the following regulations shall supersede the regular regulations and shall govern for the duration of the war and until such time as the council deems the emergency to be past.

**1. Oral Examinations**

Where oral examinations are specified as a part of the total examinations, the director, after consultation with the agency and with the approval of the council, may eliminate the oral examination for those classes of positions in which it is anticipated that the entire

eligible register will be exhausted within a relatively short period.

**2. Continuous Recruitment**

When the council finds that circumstances warrant, examinations may be announced and applications accepted on a basis of continuous recruitment. As additional persons become eligible, their names shall be integrated with and become a part of the appropriate existing register.

**3. Provisional Appointments**

When a vacancy exists for which an appropriate register has not been established because eligibles are not available, a provisional appointment may be extended beyond six months and the vacancy may be filled by provisional appointments until an appropriate register can be established.

**4. Probationary Appointment**

When an individual serving as a provisional appointee is selected from a register to continue in the position to which his provisional appointment was made, such period of provisional appointment shall be counted as a part or as the whole of the probationary period in granting permanent status.

## MINE INSPECTORS

By virtue of the authority granted in subsection 2 of section 82.83, Code of Iowa, 1950, the following rules and regulations are hereby adopted and approved by the state mine inspectors, to promote and safeguard the safety and health of the employees of mines in which shots are fired while others than the shotfirers are in the mine:

[Filed September 22, 1953]

ELECTRICITY

1. All electrical equipment shall be provided with switches of safe design, construction and installation.

2. A suitable cut-out switch shall be installed at all branch circuits to adjacent lines.

3. Cut-out switches shall be marked so that they may be found readily in case of emergency.

4. Trailing cables shall be properly protected against mechanical injury at all places where cars and other forms of transportation are required to cross.

5. Electrical equipment shall be inspected daily, and maintained in safe condition.

BLASTING

6. All shots shall be fired by certified persons.

7. All explosives and detonators shall be kept separate until ready for use.

8. Fuses shall be at least four feet long, or over, in all shots fired.

9. Tamping sticks shall be made of wood, with no exposed metal parts.

10. Warning signals shall be given, and all workmen required to retreat to a safe place before shots are fired.

11. Each misfire presents an individual problem and shall be handled by the shot examiner and the mine foreman.

12. Any explosive used while men are in the mine shall be known as "permissible explosive" and shall be on the approved list of permissible explosives of the United States bureau of mines and shall have been approved by the mine inspectors in the state.

13. No person shall perform the duties of shotfirer in any coal mine of this state without having in his possession and on his person an efficient gas mask or self-rescuer.

14. Any person or persons, firm or corporation contemplating the use of permissible powder to blast coal while workmen are in the mine, either by shaft, slope, or drift methods to mine or produce for sale, barter or trade, must first obtain a permit from the state mine inspector of the district in which the intended mine is located; which permit shall be issued as hereinafter provided, permitting and authorizing the use of permissible explosives or any other device to break down the coal, while the workmen are in the mine. The permit shall not be valid until a copy is filed in the general office of the state mine inspectors.

15. In all mines in the state, where mechanical units are in use, during the last minute of each hour, a period of silence shall be observed, in order that the operator of the said mechanical units may make a thorough test of roof conditions in the various places in which these units are used.

16. Firing of shots while others, than those firing the shots, are in the mine, shall in no

case be permitted in any coal mine except in mines where the coal is mechanically undercut.

17. In all mines where coal is blasted while others than the shotfirer are in the mine, the operator shall furnish sand, soil, or clay to be used for tamping, which shall be delivered to the employee and placed at a convenient distance from the working place, ready for use. So as not to obstruct any employee in his work, no person shall be permitted to use any substance or material other than sand, soil or clay, for tamping.

#### AIR

18. The operator shall provide and maintain an amount of ventilation of not less than one hundred fifty cubic feet of air per minute for each person employed in the mine, and not less than five hundred cubic feet of air per minute for each animal used therein.

19. All abandoned rooms or other workings

shall be closed with a permanent and substantial stopping, and these stoppings shall be examined daily by the preshift inspector for methane, carbon dioxide (black damp), and carbon monoxide (white damp), and a report kept at the office of the mine.

#### SPRINKLING OR ROCK DUSTING

20. Where shots are fired while others than the shotfirers are in the mine, a suitable sprinkler or rock dusting system shall be installed, which shall have been approved by the state mine inspector. No shots shall be fired until the room or entry shall have been sprinkled or rock dusted for a distance of fifty feet back from the face of said room or entry or breakthrough.

Any violation of these rules and regulations shall be just cause to cancel any permit issued to use permissible explosives while others than the shotfirer or shotfirers are in the mine.

ADOPTED: September 18, 1953.

## PERSONNEL DEPARTMENT

1. These rules and regulations are hereby adopted under the authority of section 8.5 of the Code of Iowa, 1958.

2. These rules and regulations shall continue in effect until such time as they may be amended or repealed by the executive council. [Filed and indexed September 10, 1962]

#### DEFINITIONS

1. The word "director" shall hereinafter mean the state director of personnel.

2. "Agency" shall mean any department of the state subject to the provisions of chapter 8.5 of the Code of Iowa.

3. "Class" means a group of positions sufficiently similar as to duties performed, degree of supervision exercised or required, minimum requirements of training, experience, or skill and such other characteristics that the same title or the same test of fitness and the same schedule of compensation may be applied to each position in the group.

4. "Eligible" shall mean any applicant for employment who has passed the examination required therefor.

5. "Employee" shall mean any person holding a position in any agency subject to these rules and regulations.

6. "Probationary period" means the first six months of employment beginning with the first day employed.

7. "Permanent appointment" means the retention of an employee at the completion of the probationary period.

8. "Temporary appointment" means the appointment not to exceed six months.

#### STATEMENT OF POLICY

1. *Objectives:* The purpose of these rules and regulations is to establish uniformity among all departments under the division of personnel in matters relating to compensation, vacations, sick leave, longevity, promotion and de-

motion in keeping with section 8.5 of the Code of Iowa.

#### ORGANIZATION

1. Through the personnel director, the executive council shall adopt and establish a plan of classification and compensation for each position and type of employment in state government except for positions for which the salaries or compensation is fixed by statute. With the approval of the executive council, the personnel director shall make such regulations and adopt such methods of qualifying employees for positions as will make the plan effective and shall prescribe rules to provide for personnel administration which shall include rules governing appointments, promotions, demotions, transfers, separations, vacations and sick leave as provided by law and hours of employment.

#### STATE CLASSIFICATION and COMPENSATION PLAN

1. *Preparation:* The plan shall be developed by the division of personnel after consultation with agency heads, supervisory officials and persons technically familiar with the character of the work. The plan shall include for each class the proper position titles, salary range, position number, maximum and minimum compensation for each class and progressive steps within each class. All classes or positions common to various agencies in state government shall have the same title and the same salary range.

2. *Table of Organization:* There shall be maintained by the division of personnel and each state agency a table of organization showing at all times the established positions existing.

3. *Personnel Rosters:* There shall be maintained by the division of personnel a roster showing the name, position, salary, and such other detailed information as deemed necessary for each employee.

4. *Assignment of Positions:* Every position

in an agency shall be assigned by the division of personnel to one of the classes established by the classification and compensation plan and such assignment shall be subject to approval of the executive council.

**5. Interpretation and Effect of the Classification and Compensation Plan:**

(A) *Starting Salaries:* The lowest or minimum rate shall be the entrance rate which shall apply to any person appointed. Exceptions may be made by the executive council when in filling certain positions it is necessary to attract applicants of special skills, training or experience. In these instances, the starting salary may be at a step other than the minimum set forth for that position.

(B) *Pay Increases and Decreases:* Increases in pay for employees shall be made on the basis of merit by successive steps from the minimum to the maximum within the established classification and decreases shall conform to these same steps. Pay increases and decreases shall be effective on the first of the month.

(B-1) An employee who renders satisfactory service for the probationary period may be recommended for a one step salary increase and may be recommended, based on meritorious service, for an additional step increase upon the completion of each six months period thereafter until the top of the salary range is attained.

(B-2) An employee whose services are deemed unsatisfactory may not be recommended for a salary increase and may be subject to salary reduction, demotion, or dismissal.

(B-3) Upon promotion or transfer an employee shall have his salary increased to the initial step of his new classification if his previous salary was below same. If the present salary falls within the new classification, the agency may recommend that no change be made in the existing rate or may for meritorious reasons, recommend an increase to the next higher step in the new classification.

(B-4) A person re-employed shall be paid within the salary range currently in effect for that position.

**APPLICATION and EXAMINATION**

1. *Application:* Application for any position shall be made upon the prescribed form and may be obtained from the division of personnel upon request of the applicant.

2. *Examination:* Examination of applicants for all positions in agencies operating under the supervision of the division of personnel when in the judgment of that division the giving of an examination will subserve the best interests of the state.

(A) Examinations for any position may be open to state wide competition except when given for promotional purposes.

(B) Examinations are to be practical in nature and designed to reveal the capacity of the applicant for the position for which he is

competing as well as his general background and related knowledge. Examinations may be written, oral, physical, or may be in the form of a demonstration of skill or may be any combination of these in order to qualify the applicant for employment, promotion or transfer.

(C) Professional personnel of the following classes who have passed state board examinations and are properly certified by the state examining board are eligible for employment in their specialized field without further written examination:

- |               |                                 |
|---------------|---------------------------------|
| 1. Attorneys  | 5. Veterinarians                |
| 2. Doctors    | 6. Certified Public Accountants |
| 3. Engineers  | 7. Registered Nurses            |
| 4. Architects | 8. Dentists                     |

3. *Registers:* The division of personnel shall prepare a list of applicants taking an examination placing their names in order of the grade received. This register of examination will be retained and in force until such time as the personnel director shall direct. The director may remove a name from the register for:

- a. Falsifying an application.
- b. Inability to locate an applicant.
- c. Refusal of an applicant to accept an offer of employment in an agency or locality for which application was made.

**APPOINTMENT**

1. When any agency desires to fill a vacant position, said agency shall notify the division of personnel on the prescribed form. The division of personnel will then select qualified applicants for that position and arrange for interviews with the agency heads. After selection is concluded, the required information will be submitted to the division of personnel on a P-3 form and the agency will await the return of the approved form before placing the employee on their payroll. All appointments must be approved by the division of personnel.

(A) *Emergency appointment:* When the immediate services of a person is required and time does not permit the appointment to be made in the usual manner, the agency may appoint the person for a period not to exceed one month.

(B) *Soldiers Preference:* Preference in appointments shall be given to war veterans in accordance with the provision of the Code of Iowa.

(C) *Transfers:* Interagency transfers may be made upon approval of the division of personnel and with the consent of both agencies concerned.

(D) *Forms to be used:* All changes effecting salary or status of any employee must be submitted to the personnel division on the forms prescribed by them.

**HOURS OF SERVICE, HOLIDAYS, VACATIONS, SICK LEAVE, ETC.**

1. *Hours of Service:* The work day for employee shall be an eight-hour day.

2. *Work Week:* The normal work week shall be defined as the five days Monday through Friday; thus, a total of forty hours per week.



3. *Holidays:* The following holidays will be regularly observed by state employees. However, the executive council may at any time add to, delete from, alter or extend any of these days:

New Years Day	Veterans Day
Good Friday (½ day)	Thanksgiving and
Memorial Day	Friday following
Fourth of July	Christmas
Labor Day	

To be eligible to receive pay for a holiday, an employee must have been at work on the working day preceding and following said holidays, except:

a. When the employee is on vacation for a period wherein a holiday occurs.

b. When an employee is on sick leave which is substantiated by a doctor's certificate.

4. *Coffee Breaks:* Coffee breaks are extended to employees each morning and afternoon and may be regulated by the department head as to the time, not to exceed fifteen minutes, away from his work for the purpose of enjoying these breaks. This is to be considered a privilege and not a right.

5. *Vacations:*

(A) As prescribed in the Code of Iowa, vacations are as follows:

1. After one year service—one week
2. After two years service—two weeks
3. After ten years service—three weeks

(B) All vacations must be taken in accordance with department work requirements and with approval of the department head.

(C) An employee working less than full time is not entitled to vacation with pay.

6. *Sick Leave:* Sick leave shall accrue at the rate of thirty days per year except that the total shall not exceed ninety days.

(A) An employee must have completed at least one month employment to become eligible for sick leave.

(B) An employee working less than full time is not entitled to sick leave with pay.

(C) A physician's certificate may be required by the department head to substantiate time off for sick leave.

7. *Continuous Employment:* Employment will not be considered as broken when:

(A) An employee is on a leave of absence without pay for a predetermined length of time and returns to work at the expiration of that period. However, such time on leave shall not be considered in computation of sick leave, vacation or longevity.

(B) An employee is on military leave.

(C) An employee is transferred from one agency to another.

(D) An employee is on sick leave.

8. *Re-employment:* Upon re-employment any employee shall have deducted from previously earned eligibility time the length of time away from state employment. This formula is to be applied in computation of eligibility for longevity.

9. *Military Service:* Any state employee may participate in Army or Navy Reserves or National Guard activities and may receive compensation from the government. Time for annual training periods or cruises will be granted to participating employees with full pay and employees will be granted their regular earned vacation in addition. Any state employee belonging to an Army or Navy Reserve or National Guard unit which is called to active state or federal service or who may be otherwise inducted into military service, shall be entitled to a leave of absence from civil employment without loss of status and without loss of pay for the first thirty days of such absence.

**LONGEVITY**

1. *Purpose:* The aim of longevity pay is to provide reward for long and satisfactory service to the State of Iowa.

2. *Limitation:* The maximum for each step of longevity shall be three hundred dollars and no individual may receive more than four steps.

3. *Coverage:* Longevity shall be granted to all qualified employees in all agencies operating under the division of personnel subject only to agencies funds available.

4. *Eligibility:* An employee will be granted one longevity step upon completion of five years employment and may receive an additional step upon completion of each five-year period thereafter provided that no person may receive more than four steps and that no step shall exceed three hundred dollars. In computing the length of employment for the purpose of longevity, all time engaged in the employment of the state shall be allowed, less the length of time between periods of employment. Employees working less than full time and all time spent less than full-time employment of the state will not be eligible for longevity.

5. *Promotion or Demotion:* When an employee has earned longevity pay prior to promotion or demotion to another wage classification range, he shall have added to his base salary in the promoted class the same number of longevity steps as previously earned.

6. *Miscellaneous:*

(A) The personnel director may require employees to submit a certificate of employment before approving longevity pay. In no instance may employment prior to January 1, 1940 be credited to an employee for computing longevity pay.

(B) Beginning on the date these articles are approved by the executive council, the following plan shall be put into effect in order to provide those employees deserving of longevity pay with as many steps as have been earned in the shortest time possible without placing undue burden on the departmental budget.

1. Those employees entitled to one step longevity will receive one step at once.

2. Those employees entitled to two steps



longevity will receive one step at once, another beginning next biennium.

3. Those employees entitled to three steps longevity will receive two steps at once and the third beginning next biennium.

4. Those employees entitled to four steps longevity will receive two at once and two beginning next biennium.

(C) If the departmental budget is adequate, these steps may be granted sooner than outlined in the preceding if the department so desires. In the event the budget will permit granting of only a part of the earned longevity, consideration is to be given first to those employees having the longest tenure.

[Filed September 10, 1962]

## PHARMACY DEPARTMENT

### PHARMACY EXAMINATIONS

1. The board of pharmacy examiners shall fix the dates for the examination both in Des Moines and Iowa City and applications must be presented to the board at least ten days before the dates set for the examination.

2. The fee for examination shall be ten dollars and is to accompany the application. It shall also cover the fee required for a second examination in case the applicant fails in the first examination, at any time within a period of fourteen months after the first examination.

3. Each applicant must furnish to the board an employing pharmacist's affidavit giving complete information covering such experience in pharmacy. Said experience must comply with the "Minimum Standards for Evaluating Practical Experience." Practical experience must be acquired after high school graduation and no experience will be allowed while in actual attendance at college.

4. Each applicant shall furnish a certificate from a recognized college of pharmacy stating that he has successfully graduated from a school or college of pharmacy offering a minimum four-year course graduating with a Bachelor of Science degree in pharmacy.

5. On each application for examination, the applicant must state his correct age; place of birth; high school record and graduation; citizenship; and pharmaceutical experience under a registered pharmacist.

6. The application for examination shall be accompanied by an unmounted photograph of a size approved by the board.

7. The application for examination shall be made as a sworn statement.

8. Each applicant for re-examination shall make request for such re-examination on proper forms, to be provided by the board, and the request for such re-examination shall become a part of the official files.

9. All applications, with necessary statements or requests for re-examination, together with the actual written examination, shall be preserved in the files of the board of pharmacy examiners.

10. a. Written examinations shall be given in the following subjects: Pharmacy, materia medica and toxicology, chemistry, pharmaceutical arithmetic.

b. Practical examination shall consist of practical laboratory technique.

c. Oral examination.

11. Grading examinations.

a. Passing grade shall be considered a general average of not less than seventy-five and no grade in any subject less than sixty.

b. Failure in one or more subjects shall require the applicant to take another examination in all subjects.

c. Any applicant for a license who fails in his examination shall be entitled to a second examination without further fee at any time within a period of fourteen months after the first examination.

### MINIMUM STANDARDS FOR EVALUATING PRACTICAL EXPERIENCE

1. The term "year" as used to designate the quantitative standard for practical experience shall mean fifty-two average work weeks of apprenticeship training acquired under the supervision of a registered pharmacist.

2. The pharmacy owner or registered pharmacist supervising the practical experience of an applicant for registration must notify the board of pharmacy whenever an applicant for registration begins employment under their supervision and whenever an applicant leaves their employ.

3. Persons working under the supervision of a registered pharmacist and expecting to qualify for the registered pharmacist examination must notify the board of pharmacy of the beginning and end of their employment within five days of the beginning or ending of such employment.

4. The board of pharmacy shall not allow credit for claims of practical experience required under the pharmacy laws unless such claims can be corroborated by records on file in the board office showing the beginning and ending of the practical experience claimed as supplied by the applicant during his training period and by the pharmacist who supervised the practical experience during the training period.

5. Practical experience shall be credited only when it has been obtained in a pharmacy acceptable to the board of pharmacy for that purpose.

6. The term "supervision" as used in connection with the practical experience requirement shall mean that in the pharmacy where practical experience is being obtained a registered pharmacist supervising practical experience shall be in personal contact with and actually giving instructions to the person obtaining experience during the entire period of such experience.

7. A pharmacy acceptable to the board of pharmacy as a proper place to obtain practical experience shall conform to the best traditions of pharmacy in the state. It shall have available all necessary equipment for professional service, necessary reference works, in addition to the official standards, and current professional journals, and shall meet the following minimum standards:

a. It must be a pharmacy operated at all times under the supervision of a registered pharmacist and must have signified its willingness to train apprentices or to employ persons desiring to obtain practical experience in accordance with the state pharmacy laws.

b. A pharmacy acceptable to the board for practical experience must have a clear record with respect to the observance of federal, state, and municipal laws and ordinances governing any phase of activity in which it is engaged.

c. The pharmacy owner and the registered pharmacist supervising the practical experience of applicants for registration must agree to abide by the code of ethics of the American Pharmaceutical Association.

8. a. The individual obtaining practical experience shall keep a notebook properly certified to by the pharmacist supervising the practical experience covering the details of his practical training, and this notebook shall be submitted as part of the application for the board examination.

b. Apprenticeship training must be submitted to the pharmacy examiners immediately after the completion of each three months' period on forms provided by the Iowa pharmacy examiners.

9. *Practical Experience Acquired in the Armed Forces.* No more than six months of practical experience acquired in the armed forces will be accepted toward the one year prerequisite. Said experience must be substantiated by a notarized affidavit signed by a duly licensed pharmacist under whose supervision the applicant has served and must comply with the minimum standards of evaluating apprentice training.

#### FEEES

1. a. Duplicate certificates for registered pharmacists may be issued for a fee of one dollar each.

b. Duplicate annual renewals may be issued by the board of pharmacy examiners without charge.

c. Duplicate vendor's licenses may be issued by the board of pharmacy examiners for a fee of one dollar each.

d. Duplicate wholesale narcotic licenses may be issued by the board of pharmacy examiners without a fee.

2. Certification of grades shall be made upon payment of a five-dollar fee.

3. A minimum fee of ten cents shall be collected for each Iowa narcotic order book.

#### REGISTRATIONS

1. Grades and certificates shall be mailed to

each new registrant on July 1st after each examination, or as soon thereafter as possible.

#### RECIPROCAL REGISTRATION

1. The applicant must be a registered pharmacist by examination in the state from which he applies, and must be in good standing at the time he makes application.

2. Prior to 1917, the applicant must make affidavit to at least four years of experience under the supervision of a registered pharmacist before registration. After July 1, 1917, affidavit must be made to at least two years' experience and two years' completed work in a recognized college of pharmacy or three years of college work and one year's experience. No experience that was gained while attending a school or college of pharmacy will be accepted. A certificate of college work must be furnished from the dean of the college or a certified copy of the affidavit on file with the secretary of the pharmacy board. Any pharmacist, registered as an apprentice or assistant prior to October 1, 1917, and licensed before July 1, 1924, may be exempted from the college requirement.

3. Applicant must have been eligible to take the examination for a pharmacist in the state from which he applies. If he was not qualified to take our examination at that time, he would not be eligible for reciprocal registration.

4. He must have passed the board in the state from which he comes with a general average of seventy-five percent and not have been below sixty percent in any one subject. He must have practiced pharmacy in the state from which he comes for at least one year subsequent to his registration there, or pass an oral and practical examination prescribed by the board.

5. An application for reciprocal registration will not be considered if applicant has at one time taken our examination for pharmacist and failed to pass same.

6. The fee for reciprocal registration is twenty dollars, which must accompany application. The fee is returned if application is denied.

7. Reciprocal registration will not be granted until application is approved by all members of the pharmacy board in regular session and after applicant has made personal appearance before the entire board, showing proof of qualifications, and has passed a satisfactory oral examination on the Iowa pharmacy laws.

8. Applicant must file an unmounted photograph bearing his signature as well as the signature of the two registered pharmacists who sign the character vouchers on page 2 of the official application.

9. Application blank together with photo and all other necessary credentials must be filed with the secretary of the Iowa pharmacy examiners, statehouse, Des Moines, Iowa.

10. No additional collection of registration fee shall be made for the balance of the fiscal year in which the applicant has been declared

fully registered by reciprocity by the pharmacy examiners.

MINIMUM STANDARDS FOR THE  
PRACTICE OF PHARMACY  
[Filed January 17, 1964]

**1.1 (155) Standards.** Any person authorized by section 155.1 to fill a prescription, either written or oral, of a licensed physician, dentist or veterinarian, pursuant to the provisions of section 155.6, the phrase "fill the prescriptions" shall be deemed to include the following:

**1.1 (1)** Read and interpret the prescription of a duly licensed practitioner, whether transmitted to the pharmacist by writing or orally.

**1.1 (2)** Accurately measure, or compound, ingredients specified by the practitioner.

**1.1 (3)** Read and interpret, and write, adequate label directions as are necessary to assure the patient's understanding of the prescriber's intentions.

**1.1 (4)** Affix label in, or to the container containing the medication as prescribed for the patient.

**1.2 (155) Applicability.** The above rules shall be equally applicable to any mechanical device used or intended to be used for prescription drugs which are sold, exposed or offered for sale or dispensed.

[Filed January 17, 1964]

ITINERANT VENDORS

1. *Lists of Itinerant Vendors* shall be held to be confidential and shall be disclosed only to duly appointed peace officers.

2. *Information* regarding the holder of any itinerant vendor's license may be given upon request.

3. *Duplicate Vendor's License* may be issued for a fee of one dollar.

4. *Itinerant Vendor's License* may be transferred for which there shall be a fee of one dollar.

5. Itinerant Vendors' Licenses shall be issued for no period less than one year.

NARCOTIC DIVISION

1. Application for annual narcotic license may be certified to the United States bureau of narcotics for approved hospitals, to be allowed narcotics, when such hospital is listed as approved by the Iowa state department of health, division of hospital service report, and said hospital making application has and will comply with the Iowa pharmacy laws.

2. There shall be a fee of no less than ten cents for each order form book as referred to in chapter 204, section 204.1, subsection 17, Code of Iowa.

3. *a. Original Iowa Narcotic Order Form* must be forwarded to the supplier when such order form is required under chapter 204.

*b. Duplicate Iowa Narcotic Order Form* must be forwarded to the Iowa pharmacy examiners.

*c. Triplicate Iowa Narcotic Order Form* must be retained by registrant for period of at least two years.

4. *Narcotic Inventories* referred to in chapter 204 must be forwarded to the Iowa pharmacy examiners upon their demand for same.

5. *Iowa Narcotic Order Books* shall only be issued to persons, firms or corporations holding a federal narcotic stamp.

6. *Refilling.* The refilling of a prescription for narcotics is prohibited.

7. *Telephone Orders.* The furnishing of narcotics pursuant to telephone advice of practitioners is prohibited, whether prescriptions covering such orders are subsequently received or not, except that in an emergency a druggist may deliver narcotics through his employee or responsible agent pursuant to a telephone order, provided the employee or agent is supplied with a properly prepared prescription before delivery is made, which prescription shall be turned over to the druggist and filed by him as required by law.

POISONS

Pursuant to the rule making authority given it by section 205.13 of the 1958 Iowa Code for enforcing the provisions of chapter 205 of the 1958 Iowa Code, and after formal hearing and giving due consideration to the legislative intent, reasonableness and practicability of the rules, and having the benefit of special knowledge and skill and the technical advice of experts in the pertinent fields, the board of pharmacy examiners of the state of Iowa hereby adopt the following rules.

[Filed January 21, 1960]

1. The following shall constitute "the preparations of these poisonous drugs" as used in section 205.5, 1958 Iowa Code:

Any compound or mixture in pharmacy made after a formula that contains as an ingredient one or more of the substances listed in section 205.5, 1958 Iowa Code.

2. The following shall constitute "potent poisons" as used in section 205.7, 1958 Iowa Code:

Any substance which, when introduced in relatively small amounts into an organism or system, may chemically produce an injurious or deadly effect or destroy living tissue.

3. The following shall constitute "not in themselves poisonous" as used in section 205.8 (1), 1958 Iowa Code:

Any substance which, when introduced in relatively small amounts into an organism or system without producing injurious or deadly effect or destroy living tissue.

The following ruling is hereby made on this 20th day of January, 1960 by the board of pharmacy examiners pursuant to authority given it by section 205.13, 1958 Iowa Code.

The application of Lehn and Fink Products Corporation has been presented to the board requesting a ruling on the question as to whether the product sold under the registered trade name "Lysol Brand Disinfectant" and manufactured by Lehn and Fink Products

Corporation is a poison within the provisions of chapter 205 of the Iowa Code. After oral hearings at which evidence was presented by Lehn and Fink Products Corporation and transcribed and printed in permanent form, and after making an investigation of the facts which consisted, among other things, consultation with experts in the field of chemistry, medicine and toxicology, and by examining written reports from poison control centers and the statistical services of the United States department of health, education and welfare, as well as other public health agencies, and being fully advised in the premises, the board of pharmacy examiners hereby finds:

1. That the product known as "Lysol Brand Disinfectant", manufactured by Lehn and Fink Products Corporation and presently being marketed in the state of Iowa, is a preparation which contains cresol (listed on the label of said product as cresylic acid) and, under the rules of this board, falls within the prohibitions set forth in section 205.5 of the 1958 Iowa Code.

2. That the product known as "Lysol Brand Disinfectant"; manufactured by Lehn and Fink Products Corporation, is a "potent poison", as provided in section 205.7 of the Iowa Code and the rules of this board in that if the same is taken in relatively small quantities into the body, it will produce injury or death or destroy living tissue.

3. That "Lysol Brand Disinfectant", manufactured by Lehn and Fink Products Corporation is not a proprietary medicine, as it is a disinfectant and, further, it is poisonous as provided in section 205.8 (1), and section 155.3 (7), 1958 Iowa Code and the rules of this board in that if taken into the body in relatively small quantities, it will produce injury or death or destroy tissue.

It is, therefore, the rule of the board of pharmacy examiners, upon the application of Lehn and Fink Products Corporation, and for the purposes of enforcing the provisions of chapter 205 of the 1958 Iowa Code, that:

1. "Lysol Brand Disinfectant", manufactured by Lehn and Fink Products Corporation, falls within the scope of section 205.5 of the

1958 Iowa Code and must be sold by a licensed pharmacist, as provided therein.

2. "Lysol Brand Disinfectant", manufactured by Lehn and Fink Products Corporation, is a "potent poison" and can only be sold under the conditions as set forth in section 205.7, 1958 Iowa Code.

3. "Lysol Brand Disinfectant", manufactured by Lehn and Fink Products Corporation, is not a proprietary medicine and is poisonous and, therefore, does not fall within the exclusion of section 205.8 (1), and section 155.3 (7), 1958 Iowa Code.

[Filed and indexed January 31, 1962]

The Iowa pharmacy examiners, under date of January 17, 1962, pursuant to the provisions of sections 155.13; 155.19 and 155.20, [Code of Iowa], the following rules and regulations are hereby promulgated:

1. No pharmacist or retail pharmacy licensed pursuant to the laws of the state of Iowa shall advertise, directly or indirectly, by any media affecting the public, any drug, medicine or device bearing the legend: "Caution: Federal Law prohibits dispensing without prescription", or whose sale is restricted to a prescription by Iowa law. Nothing in this regulation shall prohibit the furnishing of professional information to qualified medical practitioners.

2. Any person, ..... violating rule 1, adopted pursuant to section 155.19 ..... may be cited under section 155.13 to show cause .....

3. This rule is not intended to and should not in any way establish or restrict the price charged for such drugs, medicines or devices by retail sale.

[Filed and indexed March 29, 1963]

The following regulation filed by the Iowa pharmacy examiners on August 20, 1962, is hereby amended as follows:

Any person making application to the pharmacy board to be licensed by examination after July 1, 1963, must have completed one year of internship under the Iowa program and at least three months of which must be acquired after graduation from an approved college of pharmacy. Any internship on file in the office of the pharmacy examiners prior to July 1, 1963, will be credited toward the one year of internship.

## PUBLIC INSTRUCTION DEPARTMENT

### Title I

#### Administration and Finance

Chapter 1. DIVISION OF ADMINISTRATION AND FINANCE

### Title II

#### Approved and Classified Schools and School Districts

Chapter 2. MINIMUM REQUIREMENTS AND STANDARDS FOR INSTRUCTIONAL MATERIALS

Chapter 3. APPROVED SCHOOL DISTRICTS

### Title III

#### Area Vocational Schools, Junior and Community Colleges

Chapter 4. APPROVAL OF PUBLIC JUNIOR OR COMMUNITY COLLEGES

Chapter 5. AREA VOCATIONAL SCHOOLS AND COMMUNITY COLLEGES

### Title IV

#### Driver and Safety Education

Chapter 6. DRIVER EDUCATION

### Title V

#### Dual Enrollment (Shared Time)

Chapter 7. RESERVED

### Title VI

#### High School Equivalency

Chapter 8. HIGH SCHOOL EQUIVALENCY CERTIFICATES

**Title VII****Interscholastic Competition**

Chapter 9. RESERVED

**Title VIII****School Lunch**

Chapter 10. SCHOOL LUNCH DIVISION

**Title IX****Reorganization of School Districts**

Chapter 11. RESERVED

**Title X****Special Education and Guidance**

Chapter 12. RESERVED (Former rules rescinded 9/24/63)

**Title XI****Teachers**

Chapter 13. GENERAL INFORMATION AND REQUIREMENTS FOR CERTIFICATION

Chapter 14. CLASSIFICATION OF CERTIFICATES

Chapter 15. APPROVAL OF INSTITUTIONS AND TEACHER EDUCATION PROGRAMS

Chapter 16. CONVERSION OF EXISTING CERTIFICATES TO EQUIVALENT NEW CLASSES OF CERTIFICATES

Chapter 17. REQUIREMENTS FOR RENEWAL OF TEACHERS' CERTIFICATES

Chapter 18. GENERAL INFORMATION RELATING TO THE APPROVAL OF CERTIFICATED PERSONNEL

Chapter 19. REQUIREMENTS FOR EACH TYPE OF CERTIFICATE

Chapter 20. RECIPROCITY AGREEMENT OF CENTRAL STATES CONFERENCE OF STATE DEPARTMENTS OF EDUCATION

Chapter 21. PROPER EXPENDITURE OF IMPROVEMENT OF INSTRUCTION FUNDS

**Title XII****Transportation**

Chapter 22. SCHOOL TRANSPORTATION

Chapter 23. THE SCHOOL BUS

**Title XIII****Veterans' Training**

Chapter 24. APPROVAL OF ON-THE-JOB TRAINING ESTABLISHMENTS

Chapter 25. APPROVAL OF EDUCATIONAL INSTITUTIONS

**Title XIV****Vocational Education**

Chapter 26. USE OF STATE AND FEDERAL FUNDS

Chapter 27. AGRICULTURAL EDUCATION

Chapter 28. DISTRIBUTIVE EDUCATION

Chapter 29. HOME ECONOMICS

Chapter 30. TRADE AND INDUSTRIAL EDUCATION

Chapter 31. GUIDANCE

Chapter 32. GENERAL CONDITIONS

Chapter 33. REIMBURSEMENT POLICIES

Chapter 34. INSTITUTIONAL ON-FARM TRAINING

**Title XV****Vocational Education—Rehabilitation**

Chapter 35. REHABILITATION DIVISION

**RULES****OF THE****DEPARTMENT OF PUBLIC INSTRUCTION****TITLE I****ADMINISTRATION AND FINANCE****CHAPTER 1****DIVISION OF ADMINISTRATION AND****FINANCE**

*Pursuant to the authority granted in section 286A.6 of the Code, the state superintendent of*

*public instruction has adopted the following rules and regulations:*

1.1 Aid for institute day.

1.2 Terms defined for aid purposes.

**1.1 (286A) Aid for institute day.** One day of state aid will be granted each year to all schools which have dismissed a day for a legally called and approved county institute.

**1.2 (286A) Terms defined for aid purposes.**

**1.2 (1) Attendance.** Attendance is the presence of a pupil on days school was officially in session.

*School Session.* A school shall be deemed to be in session when the pupils and teachers are present and the normal program is pursued for a school day.

**1.2 (2) School Day.** A school day shall mean that time that school is actually in session for any given division of the public school, and shall include a minimum of not less than five and one-half hours, not including lunch intermission, for all grades above the third; not less than four hours for the first three grades; and not less than three hours in kindergarten, preprimer or primer grades.

**1.2 (3) Average Daily Attendance.** Average daily attendance is that average obtained by dividing the aggregate attendance for the period (month, semester, year) by the number of days the school was in session for the period.

*a.* Average daily attendance concerns itself only with days present, not days absent.

*b.* Where kindergartens or primary grades are limited to half-day sessions count each half-day session as a full day of attendance.

**1.2 (4) Aggregate Attendance.** Aggregate attendance means the total of all days of attendance for all the pupils during the period under consideration.

**TITLE II****APPROVED AND CLASSIFIED SCHOOLS AND SCHOOL DISTRICTS****CHAPTER 2****MINIMUM REQUIREMENTS AND STANDARDS FOR INSTRUCTIONAL MATERIALS****DIVISION I****STANDARDS FOR THE ELEMENTARY GRADES**

2.1 Reading programs in general.

2.2 Primer and first grade.

2.3 Second grade.

2.4 Third grade.

2.5 Fourth through eighth grades.

2.6 Other equipment for fourth grade.

2.7 Fifth grade.

2.8 Sixth through eighth grades.

**DIVISION II****STANDARDS FOR THE HIGH SCHOOL**

2.9 Condition of books.

2.10 Types of materials for library.

2.11 Encyclopedias.

2.12 Parallel text and supplementary books.

2.13 Books for recreational reading.

2.14 Dictionaries.

2.15 Magazines and periodicals.

**2.1 (257) Reading programs in general.** All educators recognize the importance of a thorough-going reading program. This need has been impressed upon them through investigation, reports, and conferences on reading problems.

In order to help teachers promote and develop an effective reading program the department of public instruction issued a teachers handbook on reading, which should be used as a guide and in conjunction with the teachers manuals provided by the publisher of the basic reading series used in the school.

Reading is one of the most important experiences children are to have in school. Success or failure depends largely upon reading abilities, as there is a very close relationship between reading and practically every school subject. With this in mind major emphasis has been placed on the reading instructional materials in establishing these minimum requirements and standards.

### Division I

#### STANDARDS FOR THE ELEMENTARY GRADES

##### **2.2 (257) Primer and first grade.**

**2.2 (1)** Reading readiness materials (Reading Handbook, Pages 32-62).

Preprimer or preprimers of basic series

Word, phrase, and sentence cards or charts

One set of basic preprimers

*Note: We recommend that the primer or primers of the basic series usually be read before reading preprimers of a different series. (See Reading Handbook, Page 57, Plan A.) Presenting the reading instruction outlined above will insure a vocabulary of the proper number of words and their introduction will follow a planned program.*

##### **2.2 (2)** A basic first reader.

Workbooks which accompany the readers  
Teachers manuals for all basic books shall be provided

Five broken sets preprimers

Five broken sets primers

Three broken sets first readers

*Note: Several broken sets readers should be available because the better readers will read as high as ten or fifteen books in addition to the basic series. (See Reading Handbook, Page 47.) The term broken sets is used to mean that a sufficient number of copies of a reading series are purchased to take care of the different reading groups and a similar number of copies of another series are purchased. The main point to remember is that when changing from a reader of one series to a reader of another series, check the overlap of vocabulary carefully and drill on the new words. (Reading Handbook, Page 59.)*

**2.2 (3)** Recreational books should be equal to twice the number of pupils enrolled as a minimum number of recent copies in good condition.

*Note: On the average the district should spend annually at least fifty cents per pupil*

*for reading materials, exclusive of textbooks and exclusive of county library funds. (See Library Bulletin, Number 45, Pages 15-17.)*

*Note: Credit will not be given for sample copies, books with ragged covers, private books donated to the school, books belonging to teachers, and supplementary or basic readers having a copyright earlier than 1935.*

##### **2.2 (4)** A library table and chairs.

A sufficient number of primary chairs for reading groups.

A suitable bulletin board (See Reading Handbook, Pages 126-127).

##### **2.3 (257) Second grade.**

Begin with a book which they can read easily: in most cases it will be first readers, but it may also be primers.

*Note: There should be a very high vocabulary overlap with the book or books completed in the first grade.*

**2.3 (1)** One set first grade level readers—new materials.

A basic second reader or readers (Reading Handbook, Pages 64-75).

*Note: This reader should be of the same basic series used in the primer and first grades.*

**2.3 (2)** Workbooks should be used with the basic series.

*Note: These workbooks should relate in content and vocabulary with the basic series used.*

Teachers manuals should be provided.

##### **2.3 (3)** One work-type reader.

*Note: At least two drill lessons a week should be given over some of the study skills using a study reader, a dictionary, or teacher-prepared material. (Reading Handbook, Pages 77-78.) Work-type readers are not to be used after finishing the basic text but are to be used along with the basic reader, and the lessons should vary with the teacher's purpose and the child's needs.*

**2.3 (4)** Two sets literary or recreatory readers.

Three broken sets of readers of different levels.

Recreational books should be equal to twice the number of pupils enrolled as a minimum number of recent copies in good condition.

##### **2.3 (5)** A library table and chairs.

A sufficient number of chairs for reading groups.

**2.3 (6)** A bulletin board (Reading Handbook, Pages 126-127).

**2.3 (7)** A set of arithmetic flash cards (addition and subtraction).

##### **2.4 (257) Third grade.**

**2.4 (1)** One set of first or second-reader level books—not previously read.

A basic third reader or readers (Reading Handbook, Pages 64-73).

*Note: This should be the same basic series used in primer, first, and second grades.*

**2.4 (2)** Workbooks should be used with the basic series.

*Note: These workbooks should relate in content and vocabulary with the basic series used.*

**2.4 (3)** Teachers manuals for all books should be provided.

One set work-type readers.

*Note: At least two drill lessons a week should be given over some of the study skills. (Reading Handbook, Pages 77-78.) Work-type readers are not to be used after finishing the basic text but are to be used along with the basic reader, and the lessons should vary with the teacher's purpose and the child's needs.*

**2.4 (4)** Two sets literary or recreatory readers.

Three broken sets of readers of different levels.

Recreational books should be equal to twice the number of pupils enrolled as a minimum number of recent copies in good condition.

*Note: On the average the district should spend annually at least fifty cents per pupil for reading materials, exclusive of textbooks and exclusive of county library funds. (See Library Bulletin, Number 45, Pages 15-17.)*

*Note: The department will not grant credit for sample copies, books with ragged covers, private books donated to the school, books belonging to teacher, and supplementary or basic readers having copyright earlier than 1935.*

**2.4 (5)** A library table and chairs.

A sufficient number of primary chairs for reading groups.

A bulletin board (Reading Handbook, Pages 126-127).

**2.4 (6)** A set of arithmetic flash cards (addition, subtraction, multiplication, and division).

**2.5 (257) Fourth through eighth grades.**

**2.5 (1)** One set of lower grade level books (for easy reading in the fall).

A basic reader (Read Carefully Reading Handbook, Pages 75-95).

*Note: This reader should be of the same series used in primer, first, second, and third grades. "Schools are courting disaster in their selection of such materials when, in a misguided effort to distribute commercial patronage, they adopt for different primary grades portions of several systems that are essentially incompatible and hence virtually incapable of sequential use."*

**2.5 (2)** Teachers manuals for all basic books should be provided.

**2.5 (3)** One set work-type or content readers.

*Note: At least two drill lessons a week should be given over some of the study skills. (Reading Handbook, Pages 84-95.)*

**2.5 (4)** Each pupil should have a standard, elementary dictionary furnished either

by his parents or the school. (Reading Handbook, Pages 169-176.) Several single copies of other texts and books to supplement history, geography, science, health, safety, etc.

*Note: These books should have a spread of several grade levels in reading difficulty. Some books should be easier than the text for slower readers and some books of the expanded, more difficult type for the more capable readers.*

**2.5 (5)** Two sets of literary or recreatory-type readers.

One standard juvenile reference set.

*Note: Selections should be made from the list recommended for elementary grades in the report of the special committee of the Iowa Library Association.*

Recreational books should be equal to twice the number of pupils enrolled as a minimum number of recent copies in good condition.

**2.6 (257) Other equipment for fourth grade.**

**2.6 (1)** A set of arithmetic flash cards (addition, subtraction, multiplication, and division).

**2.6 (2)** A map of United States.

**2.6 (3)** A geographic terms map.

**2.6 (4)** A map of the world on an equal area projection.

**2.6 (5)** A political-physical globe.

*Note: The sixteen-inch (in diameter) globe is recommended because of its superior size and because of its added legibility.*

**2.7 (257) Fifth grade.**

**2.7 (1)** A large map of North America.

**2.7 (2)** A large map of the United States.

**2.7 (3)** A large map of Iowa.

**2.7 (4)** A bulletin board (Reading Handbook, Pages 126-127).

**2.8 (257) Sixth through eighth grades.**

**2.8 (1)** One standard Atlas.

**2.8 (2)** One political-physical globe.

**2.8 (3)** Large maps of Europe, Asia, Africa, South America, and the World.

**2.8 (4)** Other desirable maps would be:

a. Blackboard outline maps, especially of the world and the United States.

b. Political map of the United States, showing states in separate colors, at least 38 inches by 48 inches.

c. Rainfall map and population density map of world, of the United States, of Europe.

**2.8 (5)** Visual materials:

a. Film strip projector.

b. A 16mm sound projector.

*Note: The visual aids should be fitted to the curriculum and films should be obtained that meet the instructional plan.*

**2.8 (6)** Magazine list:

a. Please refer to Library Bulletin, Number 45, page 37.

## Division II

## STANDARDS FOR THE HIGH SCHOOL

**2.9 (257) Condition of books.** In evaluating a school with reference to the standards, credit will not be allowed for sample copies, books with ragged covers, supplementary readers having a copyright earlier than 1930, private books donated to the school, or books belonging to teachers. The covers of older books should be repaired or the books rebound if they are not in reasonably attractive condition. Worn-out sets and copies of obsolete books should be taken off the shelves to make room for more recent, attractive books.

**2.10 (257) Types of materials for library.**

The high school library should include at least the following types of books:

**2.10 (1) Encyclopedias.**

**2.10 (2) Single copies of recent textbooks** to parallel and supplement the adopted text.

**2.10 (3) Single copies of books for collateral reading, enrichment, and appreciation** in the various subjects taught.

**2.10 (4) Fiction, travel, biography, etc.,** for recreational reading.

**2.10 (5) Dictionaries—abridged and unabridged.**

**2.10 (6) Atlas.**

**2.10 (7) Magazines and periodicals.**

**2.10 (8) Compilations and collections of source materials, including autobiographies, letters, memoirs, documents, etc.**

**2.11 (257) Encyclopedias.**

It is recommended that two sets of encyclopedias be available in the high school: One of those recommended for first purchase for senior high school only on page 3 of the report of the special committee of the Iowa Library Association and one set recommended for secondary purchase for senior high school.

**2.12 (257) Parallel text and supplementary books.**

**2.12 (1) Parallel texts.** For each content subject taught in high school there should be some copies of recent parallel texts. Old, obsolete, ragged, useless books of the textbook type should be removed from the library and the classrooms.

**2.12 (2) Specialized books.** There should also be books of a more expanded, specialized type than the textbooks. They may be of a semirecreational, biographical, historical or popular nature. Their chief purpose is to broaden the scope of the pupil's knowledge of topics or subjects, to fill in details, to familiarize the pupil with literature in fields of special interest, to develop an appreciation of this literature, and to cultivate a desire on the part of the student to spend more of his leisure time in worthwhile reading.

**2.12 (3) Lists of books.** Suggested lists of books for some subjects in high school will be found on pages 67-99 of Library Bulletin

Number 45. These lists were prepared by prominent classroom teachers in Iowa and are graded as to difficulty. They should be of assistance to superintendents and classroom teachers who wish to purchase supplementary enrichment books. Other books can be selected from bibliographies in Iowa courses of study, from recent textbooks, or from the single or double-starred books in the Standard Catalog for High School Libraries.

**2.12 (4) Number of books.** The number of books of the types described above in the high school library or classrooms should be equal to the enrollment of the class, up to thirty copies for each subject.

**2.13 (257) Books for recreational reading.**

**2.13 (1) Number and condition.** The school should own a minimum of one hundred titles of these types of books in usable, attractive condition. One book should be added for each pupil above one hundred. Books from the state traveling library are helpful, but the school should not depend upon this source alone. Additions and replacements should be made annually.

**2.13 (2) Types and interests.** Books should have a wide spread of interest appeal and reading level. They should deal with the present interests of high school boys and girls. Many of them should be graded considerably below the high school reading level so that they will not be too difficult for the slower readers and will develop an interest in reading for leisure time enjoyment. See lists and suggestions for selection of fiction given on page 32, Library Bulletin, Number 45.

**2.14 (257) Dictionaries.**

**2.14 (1) Unabridged.** One recent edition of an unabridged dictionary of recognized standing should be available in the high school.

**2.14 (2) Abridged.** It is recommended that copies of dictionaries of the secondary or collegiate type be available in the library, study hall, and classrooms, where they may be handy for ready reference.

**2.15 (257) Magazines and periodicals.**

In schools with an enrollment of one hundred pupils or less, there should be at least five carefully selected current magazines, appropriate for the various departments, and a daily newspaper. If the five magazines indicated in the report of the special committee of the Iowa Library Association are provided, the "Abridged Readers' Guide to Periodical Literature" can be secured for two dollars twenty-five cents per year. This will be of great service in providing classified subject references to current materials for the various classes. See page 8 of report of Iowa Library Association Committee, Reference Books Recommended for First Purchase in Elementary Grades and High Schools of Iowa, for description, and addresses of publishers.



CHAPTER 3  
APPROVED SCHOOL DISTRICTS

*Pursuant to authority conferred upon said board by provision of section 257.10 (12), Code, the amendments to rules and regulations governing the approval of school districts be and are hereby adopted.*

*Amended July 1958 Supplement I.D.R., pages 6 through 10, standards 1 through 82 (filed April 23, 1958) and July 1959 Supplement I.D.R., page 15 and 17 (filed June 2, 1959), by striking all of said items and substituting in lieu thereof the following: [Filed April 28, 1958; amended June 2, 1959, and October 6, 1960]*

DIVISION I  
GENERAL STANDARDS

- 3.1 Educational units covered.
- 3.2 Approved districts.
- 3.3 How listed as approved.
- 3.4 Recognition by status levels.
- 3.5 When nonapproved.

DIVISION II  
ADMINISTRATIVE STANDARDS

- 3.6 School board records.
- 3.7 Report of private instruction.
- 3.8 Activity fund records.
- 3.9 Audit of activity fund.
- 3.10 "Enrolled pupil."
- 3.11 "School day."
- 3.12 "Day of school in session."
- 3.13 "Day of attendance."
- 3.14 "Aggregate days of attendance."
- 3.15 "Average daily attendance."
- 3.16 "Member."
- 3.17 "Aggregate days of membership."
- 3.18 "Average daily membership."
- 3.19 Ages of pupils.
- 3.20 Aid for county institute.
- 3.21 Time loss adjustment.
- 3.22 Minimum school year.
- 3.23 Permanent records of pupils.
- 3.24 Records required for pay.
- 3.25 Staff records by superintendents.
- 3.26 Elementary teacher personnel standards.
- 3.27 Staff to evaluate procedures.
- 3.28 Professional library.
- 3.29 "Elementary school."
- 3.30 "Secondary school."
- 3.31 "Junior high school."
- 3.32 "Senior high school."
- 3.33 "Six-year" high school.
- 3.34 "Four-year" high school.
- 3.35 Board shall adopt plan of organization.
- 3.36 Aids for junior high.

DIVISION III  
EDUCATIONAL PROGRAM:  
TESTING, EVALUATION, GUIDANCE

- 3.37 "Curriculum."
- 3.38 "Course of study."
- 3.39 Details in program.
- 3.40 Staff to describe program.
- 3.41 Guide for each course.
- 3.42 Definition of "offering."
- 3.43 Schedule organization.
- 3.44 Unit of credit defined.
- 3.45 Testing and evaluation.
- 3.46 Annual program evaluation.

- 3.47 Parent-teacher communications.
- 3.48 Guidance program required.
- 3.49 Guidance in elementary school.

DIVISION IV  
ACTIVITIES PROGRAM

- 3.50 General guidelines.
- 3.51 Activities for elementary schools.
- 3.52 Interscholastic physical activities.
- 3.53 Intramural sports.
- 3.54 Activities for junior high.
- 3.55 Activities for high schools and colleges.
- 3.56 Activities program emphasis.

DIVISION V  
FACILITIES AND EQUIPMENT  
IN ELEMENTARY SCHOOL

- 3.57 Library equipment.
- 3.58 Globes, encyclopedias and dictionaries.
- 3.59 Reading materials.
- 3.60 Collateral reading materials.
- 3.61 Periodicals.
- 3.62 Centralized and cataloged library.

DIVISION VI  
FACILITIES AND EQUIPMENT  
IN SECONDARY SCHOOL

- 3.63 General reference works.
- 3.64 Central library.
- 3.65 Number of books.
- 3.66 Periodicals.
- 3.67 Daily newspapers.
- 3.68 Physical-political globe.

DIVISION VII  
FACILITIES AND EQUIPMENT  
IN ALL SCHOOLS

- 3.69 Instruction in use of books.
- 3.70 Equipment and supplies.
- 3.71 Safe buildings and grounds.

Division I

GENERAL STANDARDS

**3.1 (257) Educational units covered.** The following standards govern the approval of school districts maintaining elementary and secondary schools through grade twelve and, if operated, junior colleges.

**3.2 (257) Approved districts.** Each school district shall be regarded as approved unless, by official action as provided by law, it has been removed from the approved list of districts.

**3.3 (257) How listed as approved.** Each school district shall be listed either as an approved school district or a nonapproved school district. In order for a school district to be kept on the approved list, each individual school or division such as elementary or secondary school or junior college maintained by said school district shall comply with the school laws and the standards, regulations and rules adopted by the state board of public instruction.

**3.4 (257) Recognition by status levels.** Each approved school district shall eventually be recognized according to status levels.

**3.5 (257) When nonapproved.** A school district shall be regarded as nonapproved when it has been removed from the list of approved

school districts as provided by law. Such non-approval shall be effective from date of notification until such time as established standards are met.

## Division II

### ADMINISTRATIVE STANDARDS

**3.6 (257) School board records.** The school board shall adopt and maintain an accurate records system. It shall include minutes of all meetings of the board, coding of all receipts and expenditures, recording and filing all reports, census records, and copies of reports relative to attendance upon private instruction of all children of compulsory school age.

**3.7 (257) Report of private instruction.** Between September 1 and October 1 of each year the secretary of each school district shall request from each private school located in the district a report as provided in section 299.3 of the Code of Iowa. Such reports shall be submitted in duplicate on forms prescribed by the superintendent of public instruction.

**3.8 (257) Activity fund records.** Accurate, complete and up-to-date records of all pupil-activities funds shall be kept under a plan approved by the department of public instruction.

**3.9 (257) Audit of activity fund.** The financial records of all pupil-activities funds for which the superintendent or other staff member is responsible shall be audited annually, at least by the school board, and the results of such audit shall be made an official part of the records of the board.

**3.10 (257) "Enrolled pupil."** A pupil shall be regarded as enrolled in a public school when he has been registered and is taking part in the full public school program at his grade level.

**3.11 (257) "School day."** A school day shall be defined as the time that school is actually in session for any given division of the school, and shall include a minimum of five and one-half hours for all grades above the third; four hours for grades one, two and three, respectively; and two and one-quarter hours for the kindergarten or primary grade. The above minimum hours in session shall be exclusive of the lunch intermission.

**3.12 (257) "Day of school in session."** A day of school in session shall be defined as a day on which the school is open and the pupils are under the guidance and direction of teachers in the teaching process. School shall be considered in session during the field trips and excursions only if pupils are engaged in school projects or activities under the guidance and direction of a regular teacher.

**3.13 (257) "Day of attendance."** A day of attendance shall be a day on which a pupil is present for the full school day under the guidance and direction of a teacher while school is in session. Where a kindergarten or primary grade is limited to half-day sessions, each such

half-day session shall count as a day of attendance. Pupils shall not be counted in attendance on a day when school is dismissed for county institute.

**3.14 (257) "Aggregate days of attendance."** Aggregate days of attendance shall mean the sum of the days present of all pupils when school was actually in session during the school year.

**3.15 (257) "Average daily attendance."** Average daily attendance shall be defined as that average obtained by dividing the aggregate days of attendance for the school year by the number of days school was in session. If school was in session one hundred seventy-nine days and dismissed one day for county institute, the average daily attendance shall be computed by dividing the aggregate days of attendance for the one hundred seventy-nine days by one hundred seventy-nine.

**3.16 (257) "Member."** A pupil shall be considered a member of a class or school from the date he presents himself at school and is placed on the current roll until he permanently leaves the class or school. The date of permanent withdrawal shall be the date on which it is officially known that the pupil has left school, and not necessarily the first day after the date of last attendance. Membership shall be obtained by adding the total original entries and the total re-entries and subtracting the withdrawals; it may also be obtained by adding the total number present and the total number absent. This term is also known as the number belonging.

**3.17 (257) "Aggregate days of membership."** Aggregate days of membership shall mean the sum of the days present and absent of all pupils when school was actually in session during the year.

**3.18 (257) "Average daily membership."** Average daily membership shall mean the aggregate days of membership divided by the number of days school was actually in session.

**3.19 (257) Ages of pupils.** In reporting on the number of children enrolled between the ages of seven and sixteen during a given school year, a pupil shall be counted if any portion of the school term falls between his seventh and sixteenth birthdays.

**3.20 (257) Aid for county institute.** One day of state aid per pupil in average daily attendance shall be granted each year to a school which was dismissed a day for a legally called and approved county institute or other similar educational meeting.

**3.21 (257) Time loss adjustment.** Time loss adjustment on General Aid, for days of school lost, shall not be granted when the school term ends prior to May 30.

**3.22 (257) Minimum school year.** The minimum length of the school year shall be one hundred eighty days; the day devoted to the county institute or other similar educational

meeting shall be counted as one of the one hundred eighty days but the other one hundred seventy-nine days shall be days of school in session as defined herein.

**3.23 (257) Permanent records of pupils.** The school shall keep an accurate, complete permanent individual record of the scholastic achievement and attendance of every pupil enrolled. This record shall be kept up-to-date at all times. A copy of this record shall be supplied to the receiving school when a child transfers from one school or school system to another. It shall include the full name of the pupil, birth date, entry date, school previously attended, record of attendance, names of subjects and related activities in which he has been enrolled, health data, records of standardized test scores, grades or marks, number of units earned and the date of withdrawal or promotion.

This record for each pupil shall be kept permanently. It shall be placed in a fireproof safe or vault, or duplicate records shall be kept in a fire-safe depository outside the school building.

In addition to the permanent record, a cumulative folder shall be kept for each pupil. This folder shall contain all information on the pupil which may be of assistance in guidance and counseling by school personnel and it shall be made readily accessible to professional school personnel.

**3.24 (257) Records required for pay.** The school board of each local school district shall require each employed member of the professional staff including each substitute teacher to supply evidence that he has registered with the local county superintendent of schools a certificate which is in force and valid for the type of position in which he is employed. The records of the board shall show that this evidence has been supplied for each such person before any compensation is given by the board for said person's services.

**3.25 (257) Staff records by superintendents.** The school board of each school district shall require its superintendent to have on file at the beginning of and throughout each school year complete official transcripts of the preparation of all regularly employed members of the professional staff.

The superintendent shall maintain for all regularly employed members of the professional staff, including substitute teachers, at the beginning of and throughout their periods of service, a file consisting of their legal certificates or copies of records made therefrom showing that they are legally eligible for the positions in which employed and that these certificates are registered in the office of the local county superintendent of schools.

All members of the employed professional staff, as well as being properly certificated for the positions in which they are employed, shall teach only in those subjects, grades or areas of special service in which they meet the

personnel approval standards of the board of public instruction.

**3.26 (257) Elementary teacher personnel standards.** The pupils in each elementary-school grade shall be taught by a teacher who meets the personnel approval standards for school districts maintaining elementary and secondary schools.

**3.27 (257) Staff to evaluate procedures.** The superintendent and the professional staff in each school system shall utilize techniques—such as self-appraisal, individual and group staff conferences, work-study groups, and standardized teacher attitudinal scales—to show the extent to which the professional staff demonstrates competencies and skills in instructional and administrative procedures, and the adequacies with which they meet individual differences of pupils.

**3.28 (257) Professional library.** Each school district shall establish and maintain a library of books, magazines and other materials essential to the professional growth of its employed teachers.

**3.29 (257) "Elementary school."** The elementary school shall be defined as consisting of kindergarten, if operated, and grades one through eight or grades one through six when grades seven and eight are included in the secondary school as defined herein.

**3.30 (257) "Secondary school."** The secondary school shall be defined according to one of these four patterns: A junior high school comprising grades seven, eight and nine, and a senior high school comprising grades ten, eleven and twelve; a single junior-senior or six-year high school comprising grades seven through twelve; a junior high school comprising grades seven and eight, and a four-year high school comprising grades nine through twelve; or, when grades seven and eight are included in the elementary school, a four-year high school comprising only grades nine through twelve.

**3.31 (257) "Junior high school."** The junior high school shall be defined as consisting of grades seven, eight and nine, or grades seven and eight, when such grades are contained in a unit which is separately organized and administered.

**3.32 (257) "Senior high school."** The senior high school shall be defined as consisting of grades ten, eleven and twelve when such grades are contained in a unit which is separately organized and administered.

**3.33 (257) "Six-year" high school.** The junior-senior or six-year high school shall be defined as consisting of grades seven, eight, nine, ten, eleven and twelve when such grades are contained in a unit which is separately organized and administered.

**3.34 (257) "Four-year" high school.** The four-year high school shall be defined as consisting of grades nine, ten, eleven and twelve

when such grades are contained in a unit which is separately organized and administered.

**3.35 (257) Board shall adopt plan of organization.** The board shall adopt a plan of organization for its elementary and secondary schools consistent with the definitions outlined herein and the details of this plan shall be filed with the state department of public instruction and with the local county superintendent of schools.

**3.36 (257) Aids for junior high.** A separate tuition rate for junior high school, as provided in section 282.20, Code of Iowa, shall be established only if a junior high school, consisting of grades seven, eight and nine, or grades seven and eight, is contained in a unit which is separately organized and administered.

In the case of a junior-senior or six-year high school type of organization, as defined herein, grades seven and eight shall be included in the elementary tuition rate and grades nine, ten, eleven and twelve shall be included in the high school tuition rate.

In determining entitlement to state transportation aid, pupils in kindergarten and grades one through eight shall be considered elementary pupils. Pupils in grades nine through twelve shall be considered high-school pupils.

### Division III

#### EDUCATIONAL PROGRAM: TESTING, EVALUATION, GUIDANCE

**3.37 (257) "Curriculum."** The word curriculum shall be defined as including all pupil experiences which take place under the guidance of the school. It shall be used to describe the school-connected learning experiences of any given pupil and also to indicate the arrangement of a group of courses to be taken by groups of pupils having a common objective; for example, preparation for college or preparation for an occupation.

**3.38 (257) "Course of study."** The educational program or course of study shall be defined as the written statement which lists the learning areas in which instruction is offered in the school system.

**3.39 (257) Details in program.** The educational program shall set forth the administrative measures and the sequence of learning situations through which attempts are made to provide pupils with well-articulated, developmental learning experiences from the date of school entrance until high-school graduation.

**3.40 (257) Staff to describe program.** The school board shall require its superintendent and professional staff to describe the total elementary- and secondary-school educational program which has been officially adopted by the board. This description of the educational program and all subsequent revisions thereof shall be filed with the department of public instruction and with the local county superintendent of schools.

For the elementary-school program, this description shall include in sequential outline the manner in which pupils are served in each of the areas of instruction specified in chapter 280, Code of Iowa.

For the secondary-school program, it shall indicate the subjects, courses or areas of instruction offered and required of all pupils; the subjects, courses or areas of instruction offered but elective on the part of the pupils; and the subjects, courses or areas of instruction offered in alternate years. Schools offering subjects in alternate years in grades nine through twelve shall submit to the department of public instruction a projected program of offerings covering a four-year sequence.

**3.41 (257) Guide for each course.** Classroom instruction in the schools shall be based on careful planning as evidenced by the development of a guide for each course taught including a statement of the general and specific objectives; a broad outline of course content, available resources, and instructional activities; and a statement of the means of evaluating pupil progress during and at the end of the course.

**3.42 (257) Definition of "offering."** A school shall be judged as offering instruction in any given subject or field only when in each case the teacher to which said subject or field is assigned meets the personnel approval standards of the board of public instruction, instructional materials and facilities are provided and pupils are informed, on the basis of their individual aptitudes, interests and abilities, as to the possible value of said subject or field for them.

**3.43 (257) Schedule organization.** The daily and weekly schedule shall be organized in a manner which, in the judgment of local school officials, best fits the conditions within which the educational program is operated, provided that, if such courses are to yield one unit of credit when pursued for thirty-six weeks, at least two hundred minutes per week shall be scheduled for each nonlaboratory course, and at least two hundred seventy-five minutes per week shall be scheduled for laboratory science courses and courses in art, industrial arts, music, homemaking, typewriting, and such other courses which the state board of public instruction may, from time to time, designate.

**3.44 (257) Unit of credit defined.** A unit of credit (grades nine through twelve) shall be defined as that amount of credit gained by a pupil who successfully completes a course which is pursued for thirty-six weeks for the required number of minutes per week as specified by the state board of public instruction. Fractional units shall be awarded only in a manner consistent with this standard in terms of the proportionate time devoted to the courses for which such units are granted.

**3.45 (257) Testing and evaluation.** There shall be a long-range program of systematic,

periodic testing and evaluation of all pupils enrolled which shall be co-ordinated from kindergarten through the twelfth grade. Use shall be made of comparable tests yielding stabilized, consistent year-to-year data on each pupil's development in terms of each of the various educational objectives covered by the test. The program of testing and evaluation shall indicate how teacher-made tests, observational records, and other informal, largely subjective appraisals of pupils' development fit into the overall program of testing and evaluation. This long-range program shall be placed on file with the department of public instruction and the local county superintendent of schools.

Individual psychological examinations of pupils shall be administered by a person holding a valid certificate indorsed for service as a school psychologist or by a person who is specifically approved by the department of public instruction as competent in the administration of individual psychological examinations.

**3.46 (257) Annual program evaluation.** The educational program shall be kept under systematic year-by-year evaluation to determine its effectiveness and its adequacy in terms of its scope. This evaluation shall involve the use of informal and standardized evaluation techniques such as follow-up studies of graduates, drop-out studies of pupils, identification of over- and under-achievers, and reactions of pupils, parents and professional staff members obtained through surveys, discussion groups, conferences and questionnaires.

**3.47 (257) Parent-teacher communications.** Every school shall provide for parent-teacher communications for the purposes of improving mutual understandings of pupil, home, and school problems and relationships, and for more effectively meeting individual pupil needs.

**3.48 (257) Guidance program required.** Every junior high school, junior-senior high school or senior high school shall have an organized and functioning guidance program to aid pupils with their personal, educational, vocational planning and problems. A guidance program, to be considered as organized and functioning, shall include the employment of approved counselors or teacher-counselors who are provided with adequate physical facilities as well as materials and with assigned time on the program schedule for guidance services. The program shall also provide for individual and group conferences with pupils and parents and professional staff.

**3.49 (257) Guidance in elementary school.** School districts shall survey the possibility of extending guidance services to the elementary-school level.

#### Division IV

##### ACTIVITIES PROGRAM

**3.50 (257) General guidelines.** Each school district maintaining elementary and secondary schools through grade twelve, and community or junior colleges, if operated, shall provide a

program of pupil activities sufficiently broad and varied to offer opportunity for all pupils to participate. The activity program shall be co-operatively planned by pupils and teachers and be supervised by qualified school personnel, and shall be designed to: (a) Meet the needs and challenge the interests and abilities of all pupils in accordance with their individual stages of personal development; (b) contribute to the physical, mental, aesthetic, civic, social, moral, emotional, and spiritual growth of all pupils; (c) offer opportunities for both individual and group activities; (d) be an integral part of the total school curriculum; (e) provide balance of program whereby a limited number of activities are not perpetuated at the expense of other worthwhile areas of participation; (f) be controlled to a degree that interscholastic activities do not unreasonably interfere with the regularly scheduled daily program; and (g) assure adequate guidance to pupils to make sure that individuals keep their participation in activities within such limits that their benefits from other aspects of the school program will not be jeopardized.

The school shall make reasonable effort to provide and maintain adequate facilities and equipment to develop and encourage a broad activities program.

**3.51 (257) Activities for elementary schools.** Elementary schools shall provide a broad and balanced program of activities, closely integrated with the instructional program, and designed to aid pupils in achieving maximum personal development mentally, emotionally, physically, socially, and morally. Such a program shall include opportunities to participate in a variety of physical activities; art work, music, creative dramatics, homeroom and citizenship projects, class projects, hobby pursuits, and others as the school may provide.

**3.52 (257) Interscholastic physical activities.** Elementary schools comprised of kindergarten, and grades one through six, shall not encourage, promote, or sponsor interscholastic physical activities.

**3.53 (257) Intramural sports.** Supervised intramural sports shall be encouraged in grades seven, eight and nine.

For purposes of this standard two levels of priority shall be considered: First, the school system shall provide professional personnel, space and facilities, equipment and supplies, and a broad program of basic instruction in physical education, based upon individual and group needs for all pupils; second, the school system shall sponsor a broad and varied, voluntary program of intramural activities for all pupils in the upper elementary grades and junior high school.

**3.54 (257) Activities for junior high.** The junior high school shall provide a program of activities of the same scope as required for the elementary schools. In addition opportunities shall be provided in the areas of clubs,

intramural athletics, music groups, supervised social activities, student government embodying the principles of democracy, and other activities to meet the increasing range of interests, abilities and aptitudes of junior-high pupils.

**3.55 (257) Activities for high schools and colleges.** The community or junior college, if operated, and the senior high school shall provide an activities program based on mutual as well as individual pupils needs, interests, abilities and enthusiasms. The program shall be so organized and administered that broad and varied experiences will be available which will contribute to the enrichment of the total educational program. Opportunities in the following areas shall be provided: Physical activity and athletics, including intramurals; speech activities and dramatics; vocal and instrumental music; student council organization embodying democratic principles; journalism; clubs; social activities; class activities; assemblies; and other areas as may be developed under adequate school supervision.

**3.56 (257) Activities program emphasis.** The activities program in the senior high school in specific areas shall not be over emphasized to the extent that other worthwhile, constructive activities are unduly weakened or eliminated.

#### Division V

##### FACILITIES AND EQUIPMENT IN ELEMENTARY SCHOOL

**3.57 (257) Library equipment.** Each elementary-school classroom shall be provided with a reading table, chairs, and open bookshelves sufficient to accommodate one hundred fifty books, and a multiple-drawer filing cabinet.

**3.58 (257) Globes, encyclopedias and dictionaries.** Each elementary-school classroom shall be provided with a globe of a type acceptable to the department of public instruction and each elementary-school classroom in grades three through eight shall be provided with: (a) A multivolume junior encyclopedia with a copyright date not more than ten years old selected from a list approved by the department of public instruction or make adequate central library provisions in each building subject to the approval of the department of public instruction; (b) a standard adult-level dictionary; and (c) one dictionary suitable for elementary-school pupils for each pupil enrolled. Each elementary school shall have one adult encyclopedia with a copyright date not more than ten years old selected from a list approved by the department of public instruction.

**3.59 (257) Reading materials.** In addition to the basic readers, each elementary-school classroom shall be provided with readers or reading materials sufficient to supplement the basic readers in the following ways: (a) To meet needs of average group; (b) to meet needs of accelerated readers; and (c) to meet needs of pupils with reading problems.

**3.60 (257) Collateral reading materials.** The pupils in each elementary-school classroom shall be provided with appropriate collateral reading materials supporting each unit or topic being studied as needed to supplement the basic textbooks used in each subject-matter area.

**3.61 (257) Periodicals.** Each elementary school shall be provided with at least four general periodicals and at least three additional specialized periodicals appropriate for use by elementary-school pupils all to be selected from lists approved by the department of public instruction.

**3.62 (257) Centralized and cataloged library.** Centralized library materials shall be provided in each elementary-school system, even though at any given time the bulk of the collection of books and other types of learning materials is actually housed in classrooms. Items such as books; pictures; maps; charts; audio-visual equipment with appropriate slides, films, film-strips and sound recordings; and museum items shall be included as parts of said materials. The entire collection shall be cataloged and classified according to the Dewey decimal or comparable system and made accessible to teachers and pupils alike.

#### Division VI

##### FACILITIES AND EQUIPMENT IN SECONDARY SCHOOL

**3.63 (257) General reference works.** Each secondary-school classroom shall be supplied with at least one approved student dictionary; each secondary-school library including any grade from seven through twelve shall be provided with (a) at least one multivolume, adult encyclopedia with a copyright date not more than ten years old; (b) at least one multivolume, junior encyclopedia with a copyright date not more than ten years old; (c) at least one unabridged dictionary, and also student dictionaries in number sufficient to serve the number of pupils enrolled; and (d) at least one world atlas and one historical atlas.

All of the above items shall be purchased from lists approved by the department of public instruction.

**3.64 (257) Central library.** Each separately operated junior high school, senior high school, junior-senior or six-year high school, or four-year high school shall have a central library.

**3.65 (257) Number of books.** Each secondary-school library shall contain a minimum of seventeen hundred fifty books exclusive of encyclopedias, dictionaries, atlases, and biographical reference works. These books shall be distributed in a manner consistent with standard library classifications. In selecting these books consideration shall be given to the purchase of at least seventy-five percent of them from recommended lists furnished to the various school districts or cited by the department of public instruction.

**3.66 (257) Periodicals.** Each secondary-school library shall be provided with a mini-

mum of twenty periodicals. In choosing these periodicals consideration shall be given to a recommended list for use by secondary-school pupils furnished to the various school districts or cited by the department of public instruction.

**3.67 (257) Daily newspapers.** Each secondary-school library shall have a subscription to at least one daily newspaper.

**3.68 (257) Physical-political globe.** Each secondary-school central library shall be provided with a physical-political globe of a size, durability, clarity and completeness to meet the approval of the department of public instruction.

### Division VII

#### FACILITIES AND EQUIPMENT IN ALL SCHOOLS

**3.69 (257) Instruction in the use of books.** Each elementary and secondary school shall make provision for the systematic instruction of pupils in the use of books and libraries.

**3.70 (257) Equipment and supplies.** Instructional equipment and supplies, such as: Science apparatus, laboratory tables and demonstration desks; shop tools and machinery; gymnasium equipment, apparatus, and supplies; equipment for home economics and agricultural laboratories; equipment and supplies for business education, art, and music rooms; audio-visual aids equipment; maps, atlases and charts; library books, encyclopedias and reference books, textbooks, and supplies shall be adequate and shall be used in such manner as to meet the needs of instruction for all courses and activities offered.

**3.71 (257) Safe buildings and grounds.** Every school shall be housed in a building which is structurally safe and the building and grounds shall be so maintained as to provide a safe and healthful environment at all times.

#### TITLE III

#### AREA VOCATIONAL SCHOOLS, JUNIOR AND COMMUNITY COLLEGES

#### CHAPTER 4

#### APPROVAL OF PUBLIC JUNIOR OR COMMUNITY COLLEGES

[Filed April 24, 1959]

*Pursuant to authority contained in section 286A.3, Code 1958, the state board of public instruction and the state board of regents, acting jointly, hereby rescind all rules and regulations pertaining to approval of public junior colleges as adopted February 26, 1958, and appearing on pages 10 to 13 of the July 1958 Supplement to I. D. R., and hereby adopt the following approval standards for public junior or community colleges:*

- 4.1 Definitions.
- 4.2 Superintendent.
- 4.3 Dean—powers and duties.
- 4.4 Financial records and reports.
- 4.5 Minimum enrollment.
- 4.6 Academic records and transcripts.
- 4.7 Catalog and announcements.

- 4.8 Admission requirements.
- 4.9 High school students.
- 4.10 Academic year and class periods.
- 4.11 Extra sessions restricted.
- 4.12 Credit towards a degree.
- 4.13 Graduation requirements.
- 4.14 High school accreditation.
- 4.15 Faculty.
- 4.16 Instructor requirements.
- 4.17 Qualifications for librarians.
- 4.18 Music instructor.
- 4.19 Physical education director.
- 4.20 Accounting instructor.
- 4.21 Instructors in nontransfer courses.
- 4.22 Drawing instructor.
- 4.23 Typing and shorthand instructor.
- 4.24 Instructor workload.
- 4.25 Faculty organization.
- 4.26 Curriculum.
- 4.27 Work standards and student load.
- 4.28 Library.
- 4.29 Equipment, laboratories, and supplies.
- 4.30 Physical plant.
- 4.31 Student personnel.

**4.1 (286A) Definitions.** For the purposes of these approval standards, the following definitions shall be used.

**4.1 (1)** *A junior or community college* is a collegiate institution offering (1) not to exceed two years of work beyond the secondary school in college courses, (2) programs of two years or less of other post high school courses, or (3) courses not normally accepted towards a bachelor's degree.

A public junior or community college is a local tax-supported institution under the jurisdiction of the local board of education, whose primary purpose is to provide for the educational needs of the community it serves. It must meet the needs of students who plan to continue their education in a senior college or the needs of those who wish to increase their knowledge or skills in special areas.

**4.1 (2)** *Accreditation* is a process of granting approval to a collegiate institution which results in the acceptance of its credits by other collegiate institutions. It may carry with it other advantages such as the right to receive financial aid.

Regional accreditation in the midwest is by the North Central Association of Colleges and Secondary Schools. Junior colleges shall work toward meeting these regional standards and in a reasonable time, be expected to apply for and gain accreditation by the North Central Association.

State accreditation in Iowa is provided through standards adopted jointly by the state board of public instruction and state board of regents. State accreditation is required in order that credits for a junior college be accepted by the three Iowa public senior institutions of higher learning. It is also required if a junior college is to receive state financial aid.

**4.1 (3)** *Terms—junior or community college.* For the purpose of these regulations, the

words "junior" and "community" shall be considered the same.

#### 4.2 (286A) Superintendent.

The superintendent of schools in the local district shall be the chief administrative officer of the junior college. He shall delegate to the dean all necessary administrative and supervisory responsibilities to insure an efficient college operation.

#### 4.3 (286A) Dean—powers and duties.

4.3 (1) The dean shall be responsible for the operation of the college:

- a. Its educational program.
- b. Its faculty and student personnel programs.
- c. The use of facilities assigned to it. (If operated in the same building as a high school this responsibility shall be co-ordinate with that of the principal of the high school.)
- d. The dean may not serve as principal of a high school.

4.3 (2) In colleges enrolling two hundred or more students carrying twelve semester hours or more in average daily enrollment, the dean shall devote full time to junior college administrative and supervisory duties. If the college has additional administrative officers having time set aside for administrative duties, the dean shall not devote more than forty percent of his time to teaching or guidance.

4.3 (3) In colleges enrolling less than two hundred full-time students carrying twelve semester hours or more in average daily enrollments, the dean shall devote at least fifty percent of his time to administrative duties.

4.4 (286A) **Financial records and reports.** The public junior college shall, as a condition for eligibility for state aid, maintain accurate financial records and make reports in the form prescribed by the state department of public instruction. Such records must show all costs of operation and reasonable share of costs for shared facilities or personnel. It shall neither bear the financial burden of other school units nor have its costs borne by other units.

4.5 (286A) **Minimum enrollment.** A junior college shall be considered to have an adequate minimum enrollment to receive state aid if it satisfies the following criteria:

4.5 (1) It is able to provide adequate classes of reasonable economic size as needed by the students of the district.

4.5 (2) It meets the needs of the students of the local area in terms of available curricula as evidenced by periodic surveys.

4.5 (3) It shows over the preceding five years by its enrollment that it has stability.

4.6 (286A) **Academic records and transcripts.** The junior college shall maintain an adequate personnel record for each student which shall show clearly a summary of the

secondary school record and the college work for each session attended. The junior college shall retain the original college transcripts for students who transfer from another college. The junior college shall issue official transcripts which may be photo copies of the permanent record and which shall contain the signature of the Dean or the Registrar and the imprint of the college seal. The transcript or the accompanying sheet of information shall provide as a minimum the items enumerated in the publication "An Adequate Transcript Guide" issued by the American Association of Collegiate Registrars and Admissions Officers.

4.7 (286A) **Catalog and announcements.** The catalog of the junior college shall be the official publication of the college. The catalog shall present factual information on courses offered, available curricula, staff data, college rules and regulations, cost information, philosophy and objectives of the institution and other information of a general nature. A catalog shall be published at least every other year. In general, material of an advertising or publicity nature shall be published separately from the catalog.

4.8 (286A) **Admission requirements.** The standard minimum requirements for admission to a junior college shall be graduation from an approved high school, or its equivalent. The junior college shall have the right to either establish admission requirements that are higher than this basic policy or to waive the basic admission requirements for students who will be taking only courses not leading to a baccalaureate degree. The method of determining the equivalence of a high school diploma shall be consistent with the practices followed by the three state institutions for higher education in Iowa.

4.9 (286A) **High school students.** If the standard college course work offered by a junior college is of college level, most high school students will not be qualified for college level courses until after high school graduation. The faculty of a junior college may establish, however, standards under which high school seniors of special ability may take college course work for credit if the student has been registered for sufficient high school units to complete the requirements for graduation. The standards established by the faculty shall be filed with and approved by the department of public instruction.

4.10 (286A) **Academic year and class periods.** The academic year of a junior college shall provide for a minimum of thirty-four weeks of instruction. Each recitation or lecture section shall be at least fifty minutes in length.

4.11 (286A) **Extra sessions restricted.** As a general principle, Iowa public junior colleges shall not hold summer schools or offer classes meeting only on Saturdays. If under special



conditions a departure from this principle seems justified, special permission must be secured from the state department of public instruction. If permission is granted, the same standards shall be used as for regular classes and in the case of Saturday classes they will be counted as a part of the instructor's regular weekly load.

Evening classes are a standard part of a junior college program and must be counted as a part of an instructor's load if he also teaches regular daytime classes. Normally regular day college students will not take evening classes.

**4.12 (286A) Credit towards a degree.** Not more than one-half of the collegiate requirements for a baccalaureate degree from a state institution for higher learning may be satisfied by credit earned in a junior college.

**4.13 (286A) Graduation requirements.** A minimum of sixty semester hours of junior college credit exclusive of required courses in physical education and military science shall be required for graduation from a junior college. The diploma granted for completion of a junior college curriculum may be called an Associate in Arts, an Associate in Science, or an Associate degree of another designation. Documents of a lesser status may also be awarded for graduation.

No student shall be certified for graduation from a junior college who has not earned an over-all grade point ratio of 1.80 or above. Grade points shall be awarded as follows: A—4, B—3, C—2, D—1, F—0.

**4.14 (286A) High school accreditation.** A public junior college shall not be eligible to be approved unless the high school or high schools operated by the same district are accredited by the North Central Association.

**4.15 (286A) Faculty.**

**4.15 (1) Instructor qualifications.** Junior college instructors must hold certificates issued by the board of public instruction which are valid for teaching in grades thirteen and fourteen.

Junior college instructors shall either have had collegiate preparation in junior college philosophy and teaching methods, and in counseling and guidance at the college level; or shall secure such preparation through participation in an approved in-service program.

**4.15 (2) General requirements.** The instructor shall hold a master's degree from a recognized graduate school with a graduate major in his principal field of instruction and at least fifteen semester hours of graduate credit in any other field taught.

**4.16 (286A) Art instructor requirements.** The instructor in art shall hold a master's degree with a major in art from a recognized graduate school; or, in lieu thereof, a certificate indorsed specifically for the teaching of art.

**4.17 (286A) Qualifications for librarians.** A person serving as librarian for half-time or less shall have completed twenty semester hours of preparation in library science; or, in lieu thereof, said person shall hold a certificate indorsed for service as a school librarian; a person serving as librarian for more than half-time shall have completed fifteen hours of graduate credit in library science, and said person shall hold a certificate indorsed for service as a school librarian.

**4.18 (286A) Music instructor.** The instructor in music shall hold a master's degree with a major in music from a recognized graduate school; or, in lieu thereof, a certificate indorsed specifically for the teaching of music.

**4.19 (286A) Physical education instructor.** The instructor in physical education shall hold a master's degree with a major in physical education from a recognized graduate school; or, in lieu thereof, a certificate indorsed specifically for the teaching of physical education.

**4.20 (286A) Accounting instructor.** The instructor in accounting shall hold a master's degree from a recognized graduate school with fifteen semester hours of credit in accounting of which at least three semester hours shall be graduate credit.

**4.21 (286A) Instructors in nontransfer courses.** The instructor in any course which is not usually included in programs leading to the bachelor's degree in accredited colleges and universities shall have had appropriate preparation or competence for each such course taught as determined by the official in the department of public instruction who supervises junior colleges.

**4.22 (286A) Drawing instructor.** The instructor in engineering drawing shall hold a bachelor's degree from a recognized collegiate institution with at least eight semester hours of credit in engineering drawing of the type required in a basic curriculum in engineering.

**4.23 (286A) Typing and shorthand instructor.** The instructor in shorthand and typewriting shall hold a master's degree from a recognized graduate school with either a graduate or an undergraduate major in the field of business or commerce, and with not less than five semester hours of graduate or undergraduate credit in each of these subjects.

**4.24 (286A) Instructor workload.** The load of an instructor in a junior college shall not exceed sixteen semester credit hours. All junior college administrators shall use the following uniform method of computing the teaching load:

**4.24 (1) Junior college nonlaboratory courses** shall carry the same number of semester credit hours as are given in the course.

**4.24 (2)** Junior college laboratory classes, extracurricular supervision, and administrative duties shall be weighted .70 per clock hour.

**4.24 (3)** High school classes shall be weighted .70 per class period.

**4.24 (4)** High school extracurricular supervision and administrative duties shall be weighted .50 per clock hour.

**4.24 (5)** Adult education teaching assignments shall constitute a part of the twenty-six semester hour load and shall be weighted at .70 per clock hour of instruction except when carrying semester hours of college credit in which case items 1 and 2 will apply.

**4.25 (286A) Faculty organization.** The faculty shall be regularly organized and meet regularly for the purpose of study and development of the curriculum, improvement of instruction, development of general policy and such other matters as are appropriate to a college faculty. It is essential that the organized faculty have definite responsibility in the operation of the college.

**4.26 (286A) Curriculum.** A junior college shall provide college courses in English, mathematics, the physical or natural sciences, the social sciences, and the humanities. Foreign language, business and other college courses may be offered in accordance with local needs where the community is able to supply the necessary equipment and qualified teacher or teachers.

On the basis of determined community or area needs, junior colleges may offer courses which are basically technological, service, and/or vocational in nature. These courses may differ in content, purpose, and length from college courses. Differences that do exist shall be noted in the official publications of the junior college. Junior colleges making such offerings shall comply with the requirements for each course in terms of teacher competency and instructional materials which the appropriate state supervising agency of the junior colleges shall establish from time to time.

**4.27 (286A) Work standards and student load.** Each course which is offered for college credit in a junior college shall be taught at a standard consistent with the quantity and quality of similar courses offered in accredited senior colleges.

A normal full-time student-load shall be sixteen semester hours. Extra work may be taken by superior students with faculty approval but under no circumstances shall any student be permitted to register for more than twenty semester hours of work.

**4.28 (286A) Library.** In evaluating a junior college library, for purposes of approval hereunder, consideration shall be given to the following specific recommendations:

**4.28 (1) Organization and administration.** The library shall be adequately housed and

professionally administered with books well distributed. An appropriate reading room, separate from the high school library if possible, should be open to all students throughout the day. Adequate seating space (recommended to seat twenty percent of the student body) shall be provided.

**4.28 (2) Adequacy of materials.** The library shall contain adequate basic general reference books, and appropriate current periodicals in sufficient variety for each department in which instruction is given.

**4.28 (3) Annual appropriation.** In each junior college there shall be an annual appropriation for the purchase of new books, exclusive of government documents and periodicals, of not less than one thousand dollars or ten dollars per student, whichever is greater.

**4.28 (4) Cataloging.** Books must be properly cataloged.

**4.28 (5) Co-ordination with other library facilities.** In no case shall the junior college depend upon the city library for any large share of materials or facilities unless it is close enough for students to use it for study during the school day and unless the junior college has adequate control over the books purchased and their use.

**4.28 (6) Use by students and staff.** Both students and staff members shall have free access to all library facilities.

**4.29 (286A) Equipment, laboratories and supplies.** The junior college shall provide adequate equipment, laboratories and supplies in relation to the courses offered. Annual budgetary provision shall be adequate to keep instructional material, equipment and facilities up-to-date.

**4.30 (286A) Physical plant.** The location, buildings, and equipment of a junior college shall be well maintained and in good repair. They shall be clean, orderly and in good hygienic condition. 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 by the college. If space is shared with a high school, there shall be sufficient separation of rooms assigned to permit the development of a college atmosphere. Office space for the junior college shall be separate from the high school office.

**4.31 (286A) Student personnel.**

**4.31 (1) Extracurricular activities.** The junior college shall provide sufficient extracurricular activities to afford its students with an opportunity for the development of leadership and initiative. All extracurricular activities of the college must be under the direct supervision of qualified members of the junior college faculty.

**4.31 (2) Counseling and guidance.** A junior college shall provide guidance services which serve all students enrolled and which utilize

the aid of staff members, school facilities and community agencies. These services should include curriculum planning, student counseling, standardized testing, collection of student personal data, job placement and follow-up studies.

The guidance services shall be directed by a staff member specially prepared and qualified. Allotments shall be made of time, space and funds which are adequate for a comprehensive guidance program for the college.

CHAPTER 5  
AREA VOCATIONAL SCHOOLS AND  
COMMUNITY COLLEGES

Be It Resolved by the State Board of Public Instruction:

That pursuant to authority conferred by chapter 247, section 10, subsection 1, Laws of the 61st General Assembly, the following rule is adopted: [Filed January 11, 1966]

5.1 (280A) Form and content of notice of intent. The form and content of the notice of intent to form the proposed merged area, required by statute to be published by each county board of education which is a planning board, within thirty calendar days after approval by the state board of public instruction of the plan for such area, are hereby prescribed to be substantially as follows:

NOTICE OF INTENT  
TO FORM A PROPOSED  
MERGED AREA

Pursuant to section 10 (1), Chapter 247, Acts of the Sixty-first General Assembly [Section 280A.10, subsection 1, Code of Iowa] notice is hereby given by the .....

(Here insert name of  
..... County Board of Education, a planning  
county.)  
board within the meaning of said section, that  
the State Board of Public Instruction met on  
the ..... day of ....., 196...., and approved  
a proposed plan for the purpose of  
establishing an area .....  
(Here insert "vocational school"  
.....; and designated said area as  
or "community college")  
merged area (Education) ....., at ....

(Here  
....., said  
insert post-office address of administrative office)  
area to include all of the territory in the school  
systems of .....  
(Here name county school systems included in their entirety.)  
and .....

(Here describe included territory in county school systems,  
if any, not included in their entirety.)  
county school systems or designated parts  
thereof existed on the ..... day of .....,  
196\_\_\_; and designated the location or locations  
of said area vocational school (or community  
college) as .....

(Here specify the officially-designated location  
.....; and officially designated director  
or locations.)  
districts in said proposed merged area as  
conterminous with the territorial boundaries of  
.....  
(Here describe director districts in terms of boundaries of

....., from  
existing county school systems or local districts.)  
which a governing and tax-certifying board of  
directors for said merged area, composed of  
one director elected from each director district,  
will be elected upon final approval by said  
planning board of the proposal to form said  
merged area.

Notice is further given that the purpose for  
formation of the said proposed area is to offer  
to residents of said proposed area, to the greatest  
extent possible, educational opportunities  
and services as follows: (Here insert such of  
the following services applicable to the proposal.)

1. The first two years of college work including preprofessional education.
2. Vocational and technical training.
3. Programs for in-service training and retraining of workers.
4. Programs for high school completion for students of post-high school age.
5. Programs for all students of high school age who may best serve themselves by enrolling for vocational and technical training while also enrolled in a local high school public or private.
6. Student personnel services.
7. Community services.
8. Vocational education for persons who have academic socio-economic, or other handicaps which prevent succeeding in regular vocational educational education programs.
9. Training, retraining, and all necessary preparation for productive employment of all citizens.

Notice is further given that the county board  
of education of ..... county  
(Here insert name of county.)  
hereby expresses its intent to act with the  
several county boards of education having jurisdiction  
of the territory hereinabove described in the formation  
of the merged (education) area hereinabove described.

Dated at ....., this ... day of .....,  
196.....

.....  
President, .....  
County Board of Education

.....  
County Superintendent of Schools

TITLE IV  
DRIVER AND SAFETY EDUCATION  
CHAPTER 6  
DRIVER EDUCATION

[Filed December 2, 1965]

*The state department of public instruction is responsible for the general development and improvement of driver education in the public schools of Iowa. At each stage of planning, organization, administration, teacher preparation, certification, evaluation, and research, the state department of public instruction has*

the primary responsibility of leadership as well as the responsibility of supervision. These rules are intended to implement sections 257.10(11) and 257.18(17), Code of Iowa, and in addition, chapter 27A, section 5, 61st General Assembly.

**6.1 (257) Certification and approval.**

**6.1 (1)** The instructor in driver education must have a certificate valid for teaching in secondary schools in the state of Iowa.

**6.1 (2)** To be approved the instructor must have ten semester hours in the field of safety education including two semester hours in actual behind-the-wheel driving.

**6.1 (3)** The instructor must have a valid Iowa operator's or chauffeur's license.

**6.1 (4)** The instructor must have a satisfactory driving record verified by the state department of public safety.

**6.1 (5)** The instructor must be free of any physical defects that would be a handicap in the teaching of driver education.

**6.2 (257) Time standards.**

**6.2 (1) Minimum time.** Schools shall provide for each student an absolute minimum of thirty class hours of sixty minutes each (or a total of eighteen hundred minutes) in classroom instruction, plus six class hours of sixty minutes each (or a total of three hundred sixty minutes) in supervised laboratory instruction, exclusive of observation time, in a dual control automobile.

**6.2 (2) Evaluation.** In evaluating driver training courses for approval, consideration will be given to whether: (1) The classroom and driving phases run concurrently; and (2) the driver education course be organized on the full-semester basis. Time allotments for each phase of the program should be such that time spent in each, at any one time, is equivalent to the time allotment in other subject areas. Time allowances to take care of individual differences, and special occasions in each school should be provided over and above the minimums set forth in subsection one above.

**6.2 (3) Scheduling class sessions.** The following will serve as a guide for determining the number of sessions required for class periods of specified durations to assure thirty clock hours per student in classroom instruction:

Minutes per Class Period	Minimum Number of Sessions Required
40	45
45	40
50	36
55	33
60	30

**6.2 (4) Scheduling practice driving.** To assure six clock hours per student in practice driving instruction, the following table will be observed:

Minutes per Class Period	Minimum Number of Sessions Required	
	Two Pupils in Car	Three Pupils in Car
40	18	27
45	16	24
50	15	22
55	14	20
60	12	18

**6.3 (257) Summer school.**

Summer school driver training courses shall be at least eight weeks in duration. If all the instruction is scheduled in the summer the amount of time devoted to the program shall be on the same basis as outlined in the previous sections. Specific approval for any proposed course of less than eight weeks in duration must be obtained from the department of public instruction prior to commencing the course.

**6.4 (257) Time on driving simulators.** When simulators are used for part of the practice driving experiences, four hours of simulator experience shall be considered equal to one hour of practice driving in the car. Not more than three of the six hours required for practice driving may be simulator experience.\*

**6.5 (257) Driving ranges.** Special permission for programs on multiple-vehicle driving ranges must be secured from the department of public instruction.

**6.6 (257) Adult programs.** Wherever possible adult programs will provide a basic course comparable in time and content to that of the secondary school.

**6.7 (257) Dual controlled cars.**

**6.7 (1) Used on streets.** Dual controlled automobiles shall be used in all cases involving driving on the street or highway.

**6.7 (2) Marking.** All dual controlled automobiles should have identification signs, visible from the rear, showing that the automobile is being used for driver education. If the vehicle is being used for other than driver education, the identification signs should be removed or covered.

**6.8 (257) Insurance.**

**6.8 (1) Liability and property damage.** All dual controlled automobiles shall be adequately insured. The following policy limits are deemed adequate coverage: \$100,000-300,000 on liability and \$50,000 on property damage.

**6.8 (2) Medical payments.** Liability insurance does not cover injuries received by students in accidents by other vehicles or from other causes not resulting from carelessness, on the part of the student or the instructor. Therefore, medical insurance of at least one thousand dollars per student shall be carried.

\*Standard 6.1 through 6.4 are the minimum recommendations of the National Education Association as well as requirements of most state departments and insurance companies. The insurance companies accept these standards for offering a lower rate of insurance premium where there is a person under the age of twenty-five driving the family car.

**6.8 (3) Uninsured motorist.** It is hereby approved that all dual controlled automobiles be covered by uninsured motorist insurance.

**6.9 (257) Instruction permit.** Students enrolled in an approved driver education program must meet the preliminary licensing provisions of the department of public safety.

**6.10 (257) Reimbursement.** The secretary of each district entitled to driver education reimbursement shall, on or before the first day of July of each year, report to the state department of public instruction on forms furnished by the department, such information as it may require for determining the amount the district shall be reimbursed for driver education courses provided to pupils. The state department may require further supporting data and information, and from said reports, data and information, it shall determine and compute the amount to which each district is entitled for reimbursement, and shall certify same for payment to the state comptroller who will draw warrants upon such certification and cause same to be delivered to the districts named as payee thereon. The appropriation for driver education shall be used to reimburse school districts in the amount and manner provided by law.

**6.11 (257) Records.** The necessary records for determining the days of attendance for each student enrolled, in each phase of the driver education program, shall be maintained by each school in the district.

**6.12 (257) Failure to qualify.** Failure by any local district to comply with the provisions of law, or any rules or regulations made by the state department of public instruction, relating to driver education, shall disqualify such district for reimbursement for and during the period such failure to comply existed.

[Filed December 2, 1965]

#### TITLE V

#### DUAL ENROLLMENT (SHARED TIME)

*Note: This title and chapter 7 are reserved for future rules to be adopted for the purpose of implementing chapter 226, section 4, subsection 2, Acts of the 61st General Assembly, which became effective July 4, 1965, and, therefore, by its terms, will have its initial application to the school year commencing July 1, 1966.*

[Section 257.26, Code of Iowa]

#### TITLE VI

#### HIGH SCHOOL EQUIVALENCY CERTIFICATES

#### CHAPTER 8

#### HIGH SCHOOL EQUIVALENCY CERTIFICATES

8.1 Test.

8.2 By whom administered.

8.3 Minimum score.

8.4 Date of test.

8.5 Retest—fee.

8.6 Date of retest.

**8.1 (259A) Test.** Applicants for high school equivalency certificates shall satisfactorily complete the high school level General Educational Development Tests of the American Council on Education, 1785 Massachusetts Avenue, N. W., Washington, D. C. 20036.

**8.2 (259A) By whom administered.** The General Educational Development Tests shall be administered in Official Iowa General Educational Development Testing Service Agencies, official agencies of the Veterans' Testing Service of the American Council on Education in other states, the United States Armed Forces Institute, and Veterans' Administration Hospitals which have an authorized educational therapy program.

**8.3 (259A) Minimum score.** Applicants shall make a minimum standard score of forty on each test and an average standard score of forty-five on all five of the General Educational Development Tests.

**8.4 (259A) Date of test.** Test results dated prior to the date of application will be acceptable provided the tests were taken at an authorized center as specified in rule 8.2 except that test results dated over one year prior to the date of application for the High School Equivalency Certificate shall not be considered.

**8.5 (259A) Retest.** Any applicant not achieving the minimum standard test scores as defined in rule 8.3, upon payment of a five-dollar fee, shall be permitted to make application for retest, provided that one of the following conditions is met:

**8.5 (1)** A period of one year from the date of original testing has elapsed.

**8.5 (2)** The applicant shall complete instruction in an adult education program, in the area or areas to be retested. This instruction shall be certified to the department of public instruction by an official of the adult education program.

**8.5 (259A) Date of retest.** Any applicant making application for a retest beyond two years from date of original testing shall be tested with all five General Educational Development Tests. The scores of the retests shall be the only test results considered.

#### TITLE VII

#### INTERSCHOLASTIC COMPETITION

*Note: This title and chapter 9 are reserved for future rules to be adopted for the purpose of implementing chapter 226, section 2(9), Acts of the 61st General Assembly.*

[Section 257.25, subsection 9, Code of Iowa]

#### TITLE VIII

#### SCHOOL LUNCH CHAPTER 10

#### SCHOOL LUNCH DIVISION

10.1 Authority of state department.

10.2 Agreement with participating schools.

**10.1 (283A) Authority of state department.** Senate File 228 passed by the 54th G. A. [ch

95] [ch 283A of the Code] authorizes the department of public instruction to administer the school lunch program in the public schools of the state.

**10.2 (283A) Agreement with participating schools.** All school lunch programs operating in public schools and approved for federal assistance must operate according to the terms of an agreement or contract executed between the department of public instruction and the individual school. This agreement or contract is continuous and remains in effect until terminated or canceled by either party. The agreement may be terminated upon ten days notice on the part of either party, provided, however, that the department of public instruction may cancel the agreement immediately upon receipt of evidence that the terms and conditions of the agreement have not been fully complied with by the individual school.

**TITLE IX**

**REORGANIZATION OF SCHOOL DISTRICTS**

*Note: This title and chapter 11 are reserved for future rules to be adopted for the purposes of implementing chapter 275, Code of Iowa.*

**TITLE X**

**SPECIAL EDUCATION AND GUIDANCE**

**CHAPTER 12**

**SPECIAL EDUCATION**

[Rescinded September 24, 1963]

**TITLE XI**

**TEACHERS**

[Filed January 3, 1955]

*Regulations Governing the Issuance and Renewal of Teachers' Certificates, and Approval of Certificate Holders to Teach or Serve in Various Subject-Matter Fields or Service Areas.*

[Amendments filed July 17, 1957]

**CHAPTER 13**

**GENERAL INFORMATION AND REQUIREMENTS FOR CERTIFICATION**

**DIVISION I**

**HOW TO APPLY**

- 13.1 Address to use.
- 13.2 Applicants from Iowa colleges.
- 13.3 Applicants from non-Iowa colleges.
- 13.4 Classification of certificates.
- 13.5 Fees.
- 13.6 Transcripts not returned.
- 13.7 Response to application.
- 13.8 Adding indorsements.
- 13.9 Dating of certificates.

**DIVISION II**

**REQUIREMENTS FOR ALL APPLICANTS**

- 13.10 Age, physical and moral status.
- 13.11 Recency of preparation.
- 13.12 Graduation from approved institutions.
- 13.13 Evidence of success of experience.
- 13.14 Recommendation by institution.
- 13.15 American history or government.
- 13.16 Standards for approval.

**DIVISION III**

**DEFINITION OF RECOGNIZED INSTITUTION**

- 13.17 Iowa colleges.
- 13.18 Colleges in other states.

13.19 Validation of credits from nonaccredited institutions.

13.20 Applicants with experience.

**DIVISION IV**

**SECURING ADDITIONAL INDORSEMENT**

- 13.21 Elementary to secondary.
- 13.22 Secondary to elementary.

**DIVISION V**

**POSITIONS FOR WHICH CERTIFICATES ARE REQUIRED**

- 13.23 Public school positions.
- 13.24 Private school teaching.
- 13.25 Registration of certificate.
- 13.26 Uncertificated teaching prohibited.
- 13.27 Compensation for uncertificated teaching prohibited.

**DIVISION VI**

**RESIDENCE, CORRESPONDENCE, AND EXTENSION STUDY**

- 13.28 Definition of terms.
- 13.29 Standards for residence study.
- 13.30 Standards for correspondence and extension study.

**DIVISION VII**

**CERTIFICATE REQUIREMENTS FOR THOSE WITH ACADEMIC DEGREES**

- 13.31 Applicants without education courses.
- 13.32 Persons with partially completed programs of professional education.

**DIVISION VIII**

**CONVERSION OF PRIOR CERTIFICATES**

- 13.33 Old-type certificates defined.
- 13.34 Equivalent new classes of certificate available.
- 13.35 Requirements for exchange.

**DIVISION IX**

**TEACHING EXPERIENCE RECOGNIZED**

- 13.36 Amount of experience.
- 13.37 Conditions to be met.

**DIVISION X**

**MISCELLANEOUS INFORMATION**

- 13.38 Extension for military service.
- 13.39 Certificates for exchange teachers.
- 13.40 Revocation.
- 13.41 Requirements tentative.

**Division I**

**HOW TO APPLY**

**13.1 (257) Address to use.**

Address all communications to:  
Department of Public Instruction  
Division of Teacher Education and Certification  
State Office Building  
Des Moines, Iowa 50319

**13.2 (257) Applicants from Iowa colleges.**

Certificates are issued only upon application filed on a blank furnished by the department of public instruction available on request or from office of college registrars, superintendents and county superintendents. Applicants must have the recommendation of a designated official of the approved Iowa teacher-education institution where their preparation was completed.

**13.3 (257) Applicants from non-Iowa colleges.**

**13.3 (1)** Applicants prepared in recognized teacher-education institutions in other states may file applications exactly as in section 13.2 above, provided such colleges have filed and received approval of the curricula which they have each prospective applicant for each type of certificate complete.

**13.3 (2)** Applicants with four-year degrees prepared in other states in institutions which are accredited by the National Council for Accreditation of Teacher Education are eligible to receive Iowa certificates in accordance with the conditions of the *Reciprocity Agreement of the Central States Conference of State Department of Education*.<sup>1</sup>

**13.3 (3)** Applicants whose situations do not fit those described in the preceding two paragraphs are requested to:

(1) Write a letter indicating the type of teaching service for which a certificate is desired.

(2) Enclose complete official transcript or transcripts showing all college preparation.

(3) Itemize teaching experience, if any.

(4) List all certificates held in other states, if any.

The materials presented will be evaluated and the applicant will receive a decision as to his eligibility for a certificate, and, if eligible, instructions as to steps to follow in completing the application.

#### **13.4 (257) Classification of certificates.**

Chapter 14 shows the classes of certificates available, the length of terms, and the specific services for which each class of certificate may be indorsed. The three areas of indorsement are: (1) Teaching or special service, (2) supervision and (3) administration (principals and superintendents).

#### **13.5 (257) Fees.**

The fee for all original certificates is two dollars. The fee for each indorsement added to a certificate except at the time of original issuance or renewal is two dollars.

Each fee should be made payable to the superintendent of public instruction.

When an application is canceled or not approved, the fee will be refunded.

#### **13.6 (257) Transcripts not returned.**

All transcripts of applicants who receive certificates become the property of the state of Iowa and are not returned.

#### **13.7 (257) Response to application.**

Upon receipt of application, fee, transcript and other needed materials, the records will be evaluated and the certificate or the notification of any deficiency will be sent.

#### **13.8 (257) Adding indorsements.**

When an application accompanied by the fee is filed, a certificate will be indorsed for

additional service at any time provided the applicant has met the current requirements for such indorsement. When an added indorsement is requested on the date of issuance of an original certificate or renewal, no separate fee is required. It is not necessary to return one's present certificate for added indorsements. A new certificate, with expiration date unchanged, but carrying all indorsements—old and new—will be prepared. This new certificate must in turn be registered in the office of the county superintendent of each county in which it is used.

#### **13.9 (257) Dating of certificates.**

Certificates are valid only from and after the date of issuance recorded thereon. All term certificates expire on June 30 of the final year of the term for which they are issued and each fraction of a year during the term of a certificate counts as a full year. The service authorized by each indorsement on a certificate may legally be performed only from and after the date of each such indorsement.

### **Division II**

#### **REQUIREMENTS FOR ALL APPLICANTS**

#### **13.10 (257) Age, physical and moral status.**

In addition to meeting the standards prescribed in these rules, applicants for certificates must be eighteen years of age or over, and physically competent and morally fit to teach.

#### **13.11 (257) Recency of preparation.**

Any applicant who meets the preparation and experience requirements for a permanent professional certificate shall be immediately eligible for that certificate without regard to the recency of that preparation or experience.

Any applicant who meets the preparation requirements for an original professional certificate, but who has had less than eight months' teaching experience during the ten-year period immediately preceding the date of application for such certificate, must have completed at least six additional semester hours of credit in an accredited institution within the said ten-year period, such credit to be in addition to meeting the specific requirements for the type of certificate desired.

Any applicant who meets the preparation requirements for an original preprofessional certificate must satisfy the same conditions regarding recency of preparation as applicants for the original professional certificate except that the additional preparation required must be completed within the five-year period immediately preceding the date of application for the certificate.

Where recent credits are required, they should be taken in professional education or in the applicant's area or field of specialization. When an applicant qualifies for the certificate desired with the exception of having had recent preparation as herein defined, a temporary certificate, valid for one year, will be issued. [Filed October 6, 1955]

<sup>1</sup>See chapter 20 for text of the Reciprocity Agreement of the Central States Conference of State Departments of Education.

**13.12 (257) Graduation from approved institutions.****13.12 (1) Iowa colleges.**

Certificates are issued on records showing graduation from teacher-education curricula in Iowa colleges approved by the state board of public instruction for the type of certification and indorsement(s) sought.

**13.12 (2) Colleges in other states.**

Certificates are issued on records showing graduation from teacher-education curricula in colleges in other states which are members of the regional accrediting agencies of the territories in which they are located, and which are accredited by the National Council for Accreditation of Teacher Education, provided such records show that the Iowa requirements have been met.

**13.12 (3) National accredited colleges.**

Certificates are issued to applicants with four-year degrees granted by colleges in other states which are accredited by the National Council for Accreditation of Teacher Education, provided the states in which such colleges are located are signatory to the *Reciprocity Agreement of the Central States Conference of State Departments of Education*,<sup>1</sup> provided the applicants meet the conditions of the agreement.

**13.13 (257) Evidence of success of experience.**

Every experienced teacher applying for a certificate must file evidence on forms provided showing that such experience was successful. The applicant must show also that—if legally required for the position held—an appropriate certificate authorizing such experience was held in the state in which such experience occurred.

**13.14 (257) Recommendation by institution.**

Each application for a certificate or indorsement thereof must carry the recommendation of the institution where the required program of preparation was completed.

**13.15 (257) American history or government.**

Two semester hours of credit in American history or government are required for all certificates. Where an applicant qualifies for the certificate desired with the exception of this credit, a temporary certificate, valid for one year, will be issued.

In lieu of two semester hours of college credit in American history or government, the applicant may present evidence certified by the registrar of an accredited institution showing that said applicant has passed a special written examination in one of these subjects.

**13.16 (257) Standards for approval.**

Two sets of standards which teachers must

meet are in force at all times. The first set of standards gives the requirements for teachers' certificates and the services authorized by the indorsements appearing on them. This first set of standards appears in chapters 13 to 17 of these rules.

The second set of standards, which appears in chapters 18 and 19 of these rules, governs the specific subjects and services to which teachers in schools approved by the department of public instruction must be assigned. These standards are referred to as "approval standards."

**Division III****DEFINITION OF "RECOGNIZED INSTITUTION"****13.17 (257) Iowa colleges.**

All programs of teacher education and the Iowa colleges offering these programs must be approved by the state board of public instruction according to standards established by this board.

**13.18 (257) Colleges in other states.**

Programs of teacher education of colleges in other states are recognized to the extent that they are equivalent to Iowa's requirements for certificates, provided these colleges are members of the regional accrediting agencies of the territories in which they are located, and are accredited by the National Council for Accreditation of Teacher Education.

**13.19 (257) Validation of credit from non-accredited institutions.**

Applicants, prepared at a college not accredited as defined herein, must subsequently complete six semester hours of college credit of average quality in residence at an accredited college. This six semester hours of credit must be in graduate-level courses when the certificate involved requires a bachelor's degree. This credit must include at least one course in professional education related to the type of teaching service authorized by the certificate desired.

While the accredited institutions at which the additional six semester hours of credit is completed will be given the opportunity to supply information concerning such applicants, the nonaccredited institutions originally preparing such applicants will be asked to assume the chief responsibility for recommending them.

Where an applicant qualifies for the certificate desired with the exception of having completed six semester hours of validating credit as defined herein, a temporary certificate, valid for one year, will be issued.

**13.20 (257) Applicants with experience.**

Applicants, prepared at a non-Iowa college not accredited as defined herein, who hold regular term certificates issued by the state in which the college is located and who have had one year of successful teaching experience in that state, will be exempted from taking the validating credit outlined in section 13.19 above.

<sup>1</sup>See chapter 20 for text of the Reciprocity Agreement of the Central States Conference of State Departments of Education.



**Division IV**

## SECURING ADDITIONAL INDORSEMENT

**13.21 (257) Elementary to secondary.** (Rescinded effective August 31, 1964.)

**13.22 (257) Secondary to elementary.** (Rescinded effective August 31, 1964.)

**Division V**POSITIONS FOR WHICH  
CERTIFICATES ARE REQUIRED

**13.23 (257) Public school positions.**

The law, Code of Iowa, 1954, section 260.6, stipulates, "Every person employed as an administrator, supervisor, or teacher in the public schools shall hold a certificate valid for the type of position in which he is employed."

**13.24 (257) Private school teaching.**

The law, Code of Iowa, 1954, section 299.1, specifies that children of compulsory school age must either attend some public school or "upon equivalent instruction by a certified teacher elsewhere."

**13.25 (257) Registration of certificate.**

A contract for teaching in a public school in this state is void unless the teacher holds an Iowa certificate which has been registered in the office of the county superintendent. The law, Code of Iowa, 1954, section 260.20, includes the following statement:

"All diplomas and certificates shall be valid in any county when registered therein, and no person shall teach in any public school whose certificate has not been registered with the county superintendent of the county in which the school is located, provided that whenever there is a sufficient number of holders of advanced and standard elementary certificates available to supply the elementary schools in any county it shall not be incumbent upon the county superintendent to register limited elementary certificates."

**13.26 (257) Uncertificated teaching prohibited.**

It is the duty of the county superintendent to order to be closed any public school or schoolroom taught by any teacher not certificated as required by law. Code of Iowa, 1954, section 273.18, subsection 24, requires the county superintendent to:

"Order to be closed, any public school or schoolroom taught by any teacher not certified as required by law. If his order is not immediately obeyed, he shall enforce the same against the teacher and the school board by an action for a mandatory injunction in a court of competent jurisdiction."

**13.27 (257) Compensation for uncertificated teaching prohibited.**

Under Iowa law, Code of Iowa, 1954, section 294.1, no compensation shall be recovered by a teacher for service rendered while without a certificate.

**Division VI**RESIDENCE, CORRESPONDENCE, AND  
EXTENSION STUDY

**13.28 (257) Definition of terms.**

Residence study is interpreted by the state board of public instruction to be study in which the class attendance is on the campus of the institution or in an approved branch school established by the institution which grants the credits for such study. Extension study shall be interpreted as that which is associated with attendance of off-campus classes except where such classes are in an approved branch school. Correspondence study shall be interpreted as that which takes place off campus and which involves no class attendance.

**13.29 (257) Standards for residence study.**

Under Iowa law, Code of Iowa, 1954, sections 504.12 and 504.13, at least one academic year of residence work must have been completed at the institution which grants an academic degree.

For certification purposes it may consist of one academic year; of not less than thirty weeks if distributed among three summer sessions; of twenty-four weeks if distributed among four summer sessions.

At least twenty semester hours of any accredited two-year course must be completed in residence at the institution issuing the record certifying to the completion of such course.

**13.30 (257) Standards for correspondence and extension study.**

[Amendment filed October 6, 1955]

A teacher employed full time may apply toward an original certificate not more than twelve semester hours of credit earned by any method during the regular school year of nine months.

Not more than one-fourth of any accredited two- or four-year course may be taken under projected registration, correspondence study, and extension classes; provided that an experienced teacher who is following a two-year curriculum leading to a preprofessional certificate will not be subject to this standard if the following conditions are met: (1) The credits in excess of fifteen semester hours shall have been completed in a class and not by correspondence study, (2) the institution certifying to the completion of the two-year elementary teacher-education curriculum shall have had this student in residence classes for at least twenty semester hours of the work included in such curriculum.

**Division VII**CERTIFICATE REQUIREMENTS FOR THOSE  
WITH ACADEMIC DEGREES

**13.31 (257) Applicants without education courses.**

Persons holding baccalaureate degrees from accredited institutions, without having begun a program of professional education prior to the securing of such degrees, who desire to qualify for original certificates based on college degrees may secure certificates by completing the specific courses required in an institution approved for teacher education leading to a professional certificate. Such persons must

complete the required work in residence. This residence work must extend over a period of at least twenty-two weeks.

**13.32 (257) Persons with partially completed programs of professional education.**

College graduates who partially completed teacher-education programs before securing their degrees, may complete their work at the institution from which they were graduated without meeting the additional residence requirement.

**Division VIII**

**CONVERSION OF PRIOR CERTIFICATE<sup>1</sup>**

**13.33 (257) Old-type certificates defined.**

Prior to June 30, 1935, authorization to teach known as "state certificates" were issued. These certificates were designated as first-grade state certificates when issued on the basis of four-year college degrees. When issued on the basis of two years of college preparation, they were designated either as second- or third-grade state certificates.

**13.34 (257) Equivalent new classes of certificate available.**

**13.34 (1) First-grade.** Holders of expired first-grade state certificates may, upon meeting requirements, exchange them for the professional certificate described in chapter 14 of these rules. The indorsement will be for secondary-school teaching when the original preparation was at that level. If the original preparation was in the elementary-school field, the indorsement will be for elementary-school teaching.

**13.34 (2) Second or third grade.** Holders of expired second- or third-grade state certificates may, upon meeting requirements, exchange them for the preprofessional certificate described in chapter 14 of these rules. The indorsement will always be for elementary-school teaching.

**13.35 (257) Requirements for exchange.**

Eight semester hours of credit must be completed in an approved college within the five-year period immediately preceding the date of application for exchange. At least three semester hours of this total must be completed in professional education related to the indorsement to appear on the certificate.

**Division IX**

**TEACHING EXPERIENCE RECOGNIZED**

**13.36 (257) Amount of experience.**

Applicants for certificates may present evidence of five years' successful teaching experience in the type of work authorized by the indorsement to appear on the certificate sought in lieu of the credits in student teaching required for such indorsements, provided the three conditions outlined in the next paragraph are met.

**13.37 (257) Conditions to be met.**

(1) The five years of experience to be substituted for student teaching shall have

<sup>1</sup>For information regarding conversion of other types of existing certificates, see chapter 16.

been gained in any state on a valid certificate other than an emergency certificate, (2) a corresponding number of semester hours of credit is presented in other education courses, and (3) the institution recommending the applicant for such a certificate is agreeable to the substitution.

**Division X**

**MISCELLANEOUS INFORMATION**

**13.38 (257) Extension for military service.**

The expiration date of the certificate of a teacher who is called into military service is extended for that period of time for which said teacher is in military service, provided that said teacher applies to the state department of public instruction for such extension within one year after honorable discharge from military service has been secured, or on or before the date of expiration of his certificate, even though that date should be more than twelve months after the date of honorable discharge.

**13.39 (257) Certificates for exchange teachers.**

The state board of public instruction is authorized, section 260.10, Code 1954, to issue a certificate to an exchange teacher from another state or country when such teacher has the qualifications equivalent to the regular teacher employed by the board and who is serving as the exchange teacher.

The state board has authorized the issuance of a temporary certificate valid for one year, to such exchange teachers. Employing officials participating in arrangements for the exchange of teachers should correspond with the division of teacher education and certification of the department of public instruction for instructions to be followed by the incoming exchange teacher in order to comply with the conditions of the law referred to in the preceding paragraph.

**13.40 (257) Revocation.**

Any diploma or certificate is revocable by the state board of public instruction for any cause which would have authorized or required a refusal to grant the same.

The certificate of any teacher employed in a given county is revocable by the county superintendent when, in his judgment, there is proper cause for the revocation of said certificate or when complaint is filed supported by affidavits charging incompetency, immorality, intemperance, cruelty, or general neglect of the business of the school.

The procedure for the trial before the county superintendent and the appeal to the superintendent of public instruction is set forth in Code of Iowa, 1954, sections 260.24, 260.25, and 260.26.

**13.41 (257) Requirements tentative.**

The minimum requirements set forth in this bulletin are to be considered as tentative in nature and subject to revision from time to time.

## CHAPTER 14

## CLASSIFICATION OF CERTIFICATES

## 14.1 Classes listed.

## DIVISION I

## PERMANENT PROFESSIONAL CERTIFICATE

## 14.2 Validity.

## 14.3 Indorsements available.

## 14.4 Requirements.

## DIVISION II

## PROFESSIONAL CERTIFICATE

## 14.5 Validity.

## 14.6 Elementary indorsement.

## 14.7 Secondary indorsement.

## 14.8 Community or junior college indorsement.

## 14.9 Elementary-secondary indorsement.

## 14.10 Elementary school supervision.

## 14.11 Elementary-secondary supervision.

## 14.12 Elementary school principal.

## 14.13 Secondary school principal.

## 14.14 Superintendent.

## DIVISION III

## PREPROFESSIONAL CERTIFICATE

## 14.15 Validity.

## 14.16 Elementary indorsement.

## 14.17 Secondary indorsement.

## 14.18 Elementary-secondary indorsement.

## DIVISION IV

## SUBSTITUTE CERTIFICATE

## 14.19 Validity.

## 14.20 Indorsement available.

## 14.21 Requirements.

## DIVISION V

## TEMPORARY CERTIFICATE

## 14.22 Validity.

## 14.23 Indorsements available.

## 14.24 Requirements.

## DIVISION VI

## PROFESSIONAL COMMITMENT CERTIFICATE

## 14.25 Requirements for renewal.

**14.1 (257) Classes listed.** The teachers' certificates available are grouped into five major classes. The various types of specific services which each teacher is authorized to perform are indicated by one or more indorsements<sup>2</sup> on the certificate held.

The classes of certificates are:

**14.1 (1) Permanent professional certificate.**

Valid throughout lifetime of holder except when revoked for cause.

**14.1 (2) Professional certificate.**

Valid for ten-year term and renewable according to prescribed conditions.

**14.1 (3) Preprofessional certificate.**

Valid for six-year term and renewable according to prescribed conditions.

**14.1 (4) Substitute certificate.**

Valid for two-year term, but, except as authorized by the department of public instruction by written statement, not to exceed ninety full days of teaching in any one academic year and renewable according to prescribed conditions.

**14.1 (5) Temporary certificates.**

Valid for one-year term.

**14.1 (6) Professional commitment certificate.**

Valid for one-year term and subject to successive renewals provided defined progress is made toward meeting the requirements for the professional certificate, provided that, effective December 31, 1963, the professional commitment certificate shall not be available for original issue. [Filed August 23, 1956] [Amended December 2, 1963; implementing §257.11(11)]

## Division I

## PERMANENT PROFESSIONAL CERTIFICATE

**14.2 (257) Validity.**

The permanent professional certificate shall be valid throughout the lifetime of the holder except when revoked for cause, and for service as indicated by the indorsement or indorsements appearing thereon.

**14.3 (257) Indorsements available.**

This certificate shall have exactly the same indorsement or indorsements available on the professional certificate which every person applying for a permanent professional certificate must first have had. Additional indorsements may be made at any time that the requirements for them have been met. (See section 14.8, below.)

**14.4 (257) Requirements.**

The holder of a professional certificate who has had four years of successful experience and thirty semester hours of approved preparation beyond the baccalaureate degree shall be eligible to receive the permanent professional certificate except that, on and after August 31, 1960, said thirty semester hours of approved preparation shall have been graduate credit and a master's degree from an accredited institution shall have been awarded to said holder. [Amendment filed October 6, 1955 and July 17, 1957]

## Division II

## PROFESSIONAL CERTIFICATE

**14.5 (257) Validity.**

The professional certificate shall be valid for a term of ten years, and for service as indicated by the indorsement or indorsements appearing thereon. It shall be renewable according to conditions prescribed in this bulletin.<sup>1</sup>

**14.6 (257) Elementary indorsement.****14.6 (1) Type of service authorized.**

Authorization to teach in kindergarten and grades one through nine.

**14.6 (2) Requirements.**

Four years of approved college preparation

<sup>1</sup>See chapter 17.

<sup>1</sup>See chapter 15 for information as to the content of the preparation needed for each of the various classes of certificates.

<sup>2</sup>Except for certificates indorsed for elementary-secondary school teaching in specified subjects, Iowa certificates give "blanket" authorization to teach any subject in the grades indicated by the indorsements. However, schools, in order to be approved by the department of public instruction, must assign duties to their teachers in accordance with the approval standards outlined in chapters 18 and 19 of these rules.

and a baccalaureate degree from a recognized institution.

**14.7 (257) Secondary indorsement.**

**14.7 (1) Type of service authorized.**

Authorization to teach in grades seven through fourteen.<sup>2</sup>

**14.7 (2) Requirements.**

Four years of approved college preparation and a baccalaureate degree from a recognized institution.

**14.8 (257) Community or junior college indorsement.**

**14.8 (1) Type of service authorized.**

Authorization to teach in a community or junior college.

**14.8 (2) Requirements.**

A master's degree from a recognized institution in an approved program of graduate study with a graduate major in a principal field of instruction and including also six semester hours of appropriate professional preparation for college teaching. [Filed December 2, 1963; implementing §257.10(11)]

**14.9 (257) Elementary - secondary indorsement.**

**14.9 (1) Type of service authorized.**

Authorization to teach only in special subjects or to serve in special service areas in kindergarten and grades one through fourteen.

**14.9 (2)** Special subjects for which indorsements are available:

Art, industrial arts, music, and physical education.

**14.9 (3)** Special service areas for which indorsements are available:

a. Librarian.

b. Education of exceptional children (special education):

1. Children who are maladjusted or retarded whether mentally-handicapped or gifted or of disturbed personality.

2. Children who are crippled or of low vitality.

3. Children in need of speech correction.

4. Children who are deaf or hard-of-hearing.

5. Children who are blind or partially-sighted.

6. Service as school psychologist.

c. Service as public school health nurse.

**14.9 (4) Requirements.**

Four years of approved college preparation and a baccalaureate degree from a recognized institution except that for indorsement for service as a school psychologist, two years of successful teaching experience, a master's degree in psychology from a recognized institution, and the completion of an approved program of preparation for service as a school psychologist shall also be required.

<sup>2</sup>Grades thirteen and fourteen are junior college grades.

**14.10 (257) Elementary school supervision.**

**14.10 (1) Type of service authorized.**

Authorization to serve as a supervisor or teacher in the kindergarten and in grades one through nine.

**14.10 (2) Requirements.**

Applicant must have met the requirements for indorsement as an elementary-school teacher and, in addition thereto, have completed twenty semester hours of approved graduate credit and have had two years of successful teaching experience except that, on and after August 31, 1960, applicant shall have met the requirements for the professional certificate indorsed for elementary-school teaching, and, in addition thereto, have secured a master's degree in elementary-school education from a recognized institution with emphasis on supervision and have had four years of successful teaching experience; provided further that said applicant shall have had elementary-school supervisory experiences, either with or without credit, under the supervision of the institution awarding said applicant's master's degree, or, in lieu thereof, equivalent experiences as judged by said institution. [Amendment filed July 17, 1957]

**14.11 (257) Elementary-secondary supervision.**

**14.11 (1) Type of service authorized.**

Authorization to serve only as a supervisor or teacher in special subjects or special service areas in kindergarten and grades one through fourteen.

*Note: For a list of special subjects and special service areas, see section 14.8, subsections 1 to 3, above.*

**14.11 (2) Requirements.**

Applicant must have met the requirement for indorsement as an elementary-secondary teacher in the special subject or special service area in which supervision is to be done,<sup>1</sup> and in addition thereto, have completed twenty semester hours of approved graduate credit and have two years of successful teaching experience, except that, on and after August 31, 1960, applicant shall have met the requirements for a professional certificate indorsed for elementary-secondary-school teaching in the special subject or special service area in which supervision is to be done, and, in addition thereto, have secured a master's degree from a recognized institution and have completed an approved graduate program in this special subject or special service area, including preparation also in elementary- and secondary-school curriculum or supervision and have had four years of successful teaching experience; provided further that said applicant shall have had supervisory experiences, either with or without credit, in the special subject or special service area under the supervision of

<sup>1</sup>A person holding a professional certificate who desires authorization for elementary-secondary-school supervision in special education, must have met the requirements for indorsement in only one area of the education of exceptional children.

the institution awarding said applicant's master's degree, or, in lieu thereof, equivalent experiences as judged by said institution.

[Amendment filed July 17, 1957]

**14.12 (257) Elementary school principal.**

**14.12 (1) Type of service authorized.**

Authorization to serve as a principal, supervisor or teacher in any elementary school through grade nine.

**14.12 (2) Requirements.**

Applicant must have met the requirements for a professional certificate with indorsement as an elementary-school teacher, and in addition thereto, have completed twenty semester hours of approved graduate credit and have had two years of successful teaching experience except that, on and after August 31, 1960, applicant shall have met the requirements for the professional certificate indorsed for one of the several types of teaching service, and, in addition thereto, have secured a master's degree in elementary-school education with emphasis on administration, but including attention to problems of supervision and have had four years of successful teaching experience; provided further that said applicant shall have had elementary-school administrative experiences, either with or without credit, under the supervision of the institution granting said applicant's master's degree, or, in lieu thereof, equivalent experiences as judged by said institution. [Amendment filed July 17, 1957]

**14.13 (257) Secondary school principal.**

**14.13 (1) Type of service authorized.**

Authorization to serve as a principal, supervisor or teacher in any secondary school through grade fourteen.

**14.13 (2) Requirements.**

Applicant must have met the requirements for a professional certificate with indorsement as a secondary-school teacher, and in addition thereto, have completed twenty semester hours of approved graduate credit and have had two years of successful teaching experience except that, on and after August 31, 1960, applicant shall have met the requirements for the professional certificate indorsed for one of the several types of teaching service, and, in addition thereto, have secured the master's degree in secondary-school education with a recognized institution with emphasis on administration, but including attention to problems of supervision and have had four years of successful teaching experience; provided further that said applicant shall have had secondary-school administrative experiences, either with or without credit, under the supervision of the institution awarding said applicant's master's degree, or, in lieu thereof, equivalent experiences as judged by said institution. [Amendment filed July 17, 1957]

**14.14 (257) Superintendent.**

**14.14 (1) Type of service authorized.**

Authorization to serve as county superintendent, or as superintendent, principal, supervisor or teacher in any elementary or secondary school through grade fourteen.

**14.14 (2) Requirements.**

**a. Standard preparation.**

Applicant must have met the requirements for a professional certificate with indorsement as a secondary-school teacher, an elementary-school teacher or as an elementary-secondary school teacher; and in addition thereto, have completed an approved program of preparation, have been awarded a master's degree by a recognized institution, and have had four years of successful teaching experience except that, on and after August 31, 1960, applicant shall have met the requirements for a professional certificate indorsed for one of the several types of teaching service, and, in addition thereto, have secured a master's degree in school administration from a recognized institution plus thirty semester hours of approved graduate study completed after the date of the awarding of the master's degree, and have had four years of successful teaching experience; provided further that said applicant shall have had general school administrative experiences, either with or without credit, under the supervision of the institution in which the additional thirty semester hours were completed, or, in lieu thereof, equivalent experiences as judged by said institution. [Amendment filed July 17, 1957]

**b. Advanced preparation.**

Same requirements as for standard preparation plus thirty semester hours of approved graduate preparation beyond the master's degree.

**Division III**

**PREPROFESSIONAL CERTIFICATE**

**14.15 (257) Validity.**

The preprofessional certificate shall be valid for a term of six years, and for service as indicated by the indorsement or indorsements appearing thereon. It shall be renewable according to conditions prescribed in this bulletin.<sup>1</sup>

**14.16 (257) Elementary indorsement.**

**14.16 (1) Type of service authorized.**

Authorization to teach in kindergarten and grades one through nine.

**14.16 (2) Requirements.**

**a. On less than a degree.**

Two years (sixty semester hours) of approved college preparation in a recognized institution except that, on and after August 31, 1958, the accreditation of each college or university to offer two-year programs of teacher education shall be terminated. [Amendment filed July 17, 1957]

**14.17 (257) Secondary (trade and industrial classes) indorsement.**

**14.17 (1) Type of service authorized.**

Authorization only to teach the specific sub-

<sup>1</sup>See chapter 17.

ject or subjects designated in the recommendation in grades nine through twelve.

**14.17 (2) Requirements.**

Recommendation as to competence in designated subject or subjects made by director of division of vocational education of Iowa department of public instruction.

**14.18 (257) Elementary-secondary (not available to new applicants) indorsement.**

**14.18 (1) Teaching service authorized.**

Authorization to teach the specified subject or subjects in kindergarten and grades one through fourteen.

**14.18 (2) Requirements.**

Applicant must be holder of a special subject certificate issued in former years which is in force or for which current renewal requirements have been met.

**Division IV**

**SUBSTITUTE CERTIFICATE**

**14.19 (257) Validity.**

The substitute certificate shall be valid for a six-year term, and for the same services authorized by Iowa or Non-Iowa certificate (exclusive of emergency or temporary certificate) once held by the applicant. It shall be valid only for those positions in which a regularly employed, certificated teacher actually began the school year. It shall be valid for not more than ninety days of full-time teaching during any single school year except that an appropriate supervisor in the department of public instruction may, by written statement, authorize the holder of such a certificate to teach in excess of the ninety-day period when, in his judgment, the best interests of the pupils would be served thereby. In such an event, the said substitute teacher shall not occupy the position beyond the close of the current school year.

**14.20 (257) Indorsements available.**

Indorsements on a substitute certificate shall be exactly the same as those to which the applicant would be entitled if a term certificate (equivalent to the type of certificate once held) were issued to the applicant.

**14.21 (257) Requirements.**

The applicant for a substitute certificate must once have held an Iowa or Non-Iowa certificate (exclusive of emergency or temporary certificate) which, by meeting current renewal requirements in force in the state of issue, could again be issued for a term of years.

**Division V**

**TEMPORARY CERTIFICATE**

**14.22 (257) Validity.**

The temporary certificate shall be valid for a one-year term and for service as indicated by the indorsement or indorsements appearing thereon.

**14.23 (257) Indorsements available.**

This certificate shall be indorsed in a manner similar to permanent professional, professional

and preprofessional certificates in accordance with the type of preparation completed.

**14.24 (257) Requirements.**

**14.24 (1) Based on expired Iowa certificate, exclusive of emergency or one-year special certificate.**

The holder of an expired Iowa certificate (exclusive of emergency or one-year special certificate), who has had one year (eight months) of successful teaching experience, shall be eligible to receive the temporary certificate upon application accompanied by recommendation of a superintendent or county superintendent, provided that no temporary certificate shall be available to any teacher during the first year immediately following the expiration date of said teacher's regular certificate, and no temporary certificate shall be issued to a person whose expired, regular certificate was based on less than sixty semester hours of preparation when said certificate has been expired for a period of five years. This certificate shall be indorsed for the type of service authorized by the expired certificate on which it is based. This certificate is non-renewable. See chapter 17 for requirements for renewal of Iowa certificate once held.

**14.24 (2) Based on eligibility for a professional or preprofessional certificate except for defined deficiencies outlined in chapter 13.**

This certificate is nonrenewable.

**14.24 (3) Based on one hundred semester hours of specified college credit.**

This certificate is available only to an applicant who has never had an Iowa teacher's certificate. It requires one hundred semester hours of college credit with eight strictly in elementary-school professional education including three in elementary-school methods. The applicant shall have completed at least six semester hours of credit within the five-year period immediately preceding the date of the issuance of the certificate. It shall give the holder authorization to teach in kindergarten and grades one through nine. [Amended December 2, 1963, effective August 31, 1964; implementing §257.10(11)]

This certificate will be renewable not to exceed six times for one-year terms upon the completion of eight semester hours of credit each year leading toward completion of requirements for a preprofessional or professional certificate, provided that teaching experience continues to be successful. [Amended January 22, 1959; December 2, 1963 effective December 31, 1963]

**14.24 (4) Based on administrative decision.**

The superintendent of public instruction is authorized to issue the temporary certificate to applicants whose services are needed to fill positions in specific schools in emergency situations. [Filed January 3, 1955] [Amended July 17, 1957; December 31, 1963.]

**14.24 (5) Issued Under the Conditions of**

*an Approved Title I Elementary-Secondary Education Act Program.*

This certificate is available to persons employed in the schools under the provisions of an approved Title I Elementary-Secondary Education Act (P. L. 89-10) program. The applicant shall have completed at least sixty semester hours of college preparation in an institution acceptable to the board. It shall give the holder authorization to teach or supervise children in the position described in the approved Title I program.

The applicant shall show moral and physical fitness for the position and freedom from communicable diseases.

The employing superintendent shall provide a complete job description of the position to be held by the applicant and a statement indicating the special qualifications the applicant has for the position.

This certificate will be renewable for additional one year terms during employment of its holder only so long as approval of the specific Title I program is continued.

### Division VI

#### PROFESSIONAL COMMITMENT CERTIFICATE

##### 14.25 (257) Requirements for renewal.

The professional commitment certificate is renewable for consecutive yearly terms provided that the equivalent of six semester hours of additional preparation leading toward the professional certificate is completed each year\*, and provided also that teaching experience continues to be successful and the college where the preparation is being completed recommends each renewal.

The holder of a professional commitment certificate is not required to renew it each year provided no teaching is done. However, a grand total of additional credits equivalent to at least six semester hours of progress each year (except during military service) after the issuance of the original professional commitment certificate will be required. [Filed July 17, 1957] [Amended December 2, 1963, effective December 31, 1963; implementing §257.10(11)]

#### CHAPTER 15

#### APPROVAL OF INSTITUTIONS AND TEACHER EDUCATION PROGRAMS

[Amendments filed July 17, 1957]

- 15.1 Advisory committee.
- 15.2 Recommendations by committee.
- 15.3 Experimental programs.
- 15.4 Filings by institutions.
- 15.5 Specific program filed.
- 15.6 Demonstration of competence.
- 15.7 Certificates requiring degree.
- 15.8 Graduate programs filed.
- 15.9 Out-of-state programs.
- 15.10 Revised program approval.
- 15.11 Review committee.

\*If recommended by the college, credits in excess of 6 semester hours completed during any year following the original issuance of the certificate may be cumulated and applied toward meeting the requirements for one or more succeeding yearly renewals. For example, if a teacher should complete 10 semester hours during a given year, 4 of them could be carried over and used on the next renewal.

**15.1 (257) Advisory committee.** Chapter 16 presents the teacher certification framework which has been adopted for Iowa by the state board of public instruction.

As a matter of policy, the state board has not set up a rigidly specified curriculum for the preparation of teachers in any field. It has authorized the superintendent of public instruction to appoint an advisory committee on teacher education and certification. This committee will make recommendations regarding the content of each of the various programs of preparation for consideration by the state board. This committee will be a recommending body only. The final legal authority rests with the board.

**15.2 (257) Recommendations by committee.** The state board has stipulated that the advisory committee shall organize its recommendations under four categories:

**15.2 (1)** Academic work in general education needed by all teachers.

**15.2 (2)** Academic preparation needed for secondary- or elementary -secondary - school teachers in their chosen teaching fields, and certain subjects essential in the preparation of elementary-school teachers.

**15.2 (3)** Preparation in education and psychology courses including teaching under supervision.

**15.2 (4)** Student selection and guidance.

**15.3 (257) Experimental programs.** The state board has further stipulated that the advisory committee shall organize its recommendations in such a manner that considerable room will be left for institutional initiative in the methods of preparing teachers. Experimentation with promising programs for improved preparation of teachers is encouraged by the state board.

**15.4 (257) Filings by institutions.** Iowa colleges and universities seeking the approval of their programs of teacher education shall file evidence of the extent to which they meet the standards of the National Council for Accreditation of Teacher Education provided that colleges and universities already accredited by the said council shall be exempted from filing such evidence.

**15.5 (257) Specific program filed.** In order for its graduates to be accepted for teacher certification by the state board of public instruction, each Iowa college or university shall file a specific program or curricular pattern of teacher education designed to meet the requirements for each certificate, and it shall also specify the courses its students must complete and the levels of excellence which they must attain in said courses as a condition to being recommended for approval to teach the subjects in public schools for which standards are hereinafter prescribed.

**15.6 (257) Demonstration of competence.** When any Iowa college or university which is approved for teacher education by the state

board of public instruction certifies that an applicant for a teacher's certificate has demonstrated competence in any required area of preparation equivalent to the completion of regular college courses in that area, said applicant shall not be required to present a record of college credit in said area.

**15.7 (257) Certificates requiring degree.** Certificates based on requirements specifying four years of college preparation and a bachelor's degree shall be issued only after the applicant for one of the said certificates has met each of the following standards, where applicable to the type of said certificate to be issued, in an Iowa college or university whose program or programs of teacher education leading to said certificates shall have been filed with and approved by the state board of public instruction:

**15.7 (1) General education.** The applicant shall have completed forty semester hours of credit in courses specified by the institution awarding said applicant's bachelor's degree as being classified as general education.

**15.7 (2) Field of concentration.** The applicant shall have completed thirty semester hours of credit in an area of subject-matter concentration which shall have been listed by the institution awarding said applicant's bachelor's degree in said institution's program or programs of teacher education filed with and approved by the state board of public instruction, provided that, when so designated by said institution, "elementary-school education" shall be regarded as an acceptable area of subject-matter concentration.

**15.7 (3) Elementary certificate subjects.** The applicant for a certificate valid for teaching in the elementary-school field shall have completed preparation in at least five of the following areas: Literature for children, mathematics, art, music, geography, health and physical education, industrial arts, conservation education, elementary speech correction, and dramatics as separate college courses, or, in lieu thereof, in courses in general education required by the institution awarding said applicant's bachelor's degree.

**15.7 (4) Secondary certificate subjects.** The applicant for a certificate valid for teaching in the secondary-school field shall have met the minimum approval standards as herein prescribed for teaching subjects within one or more fields outside his own area of subject-matter concentration for which said approval standards include requirements except in cases where the institution awarding said applicant's bachelor's degree shall have been authorized by the state board of public instruction to recommend applicants who have been permitted by said institution to omit preparation sufficient to meet approval standards in any field outside their area of concentration, and when said institution does so recommend said applicant.

**15.7 (5) Special field certificate subjects.** The applicant for a certificate valid for teaching in a special subject or special service area in the elementary- and secondary-school fields shall have completed forty semester hours of preparation in general education and thirty semester hours of preparation in an area of subject-matter concentration both as specified herein provided that the special subject or special service area in which said certificate authorizes said applicant to teach shall comprise the area of subject-matter concentration, provided further that an applicant for a certificate valid to serve as a teacher in the area of school psychologist must hold a master's degree including the preparation herein prescribed and have had two years of teaching experience.

**15.7 (6) Hours of education courses.** The applicant shall have completed a grand total of twenty semester hours of credit in professional education at least one-fourth of which credits shall be in professional education courses which deal with problems which are of common concern to both elementary- and secondary-school teachers.

**15.7 (7) Methods and student teaching—elementary certificate.** The applicant for a certificate valid for teaching in the elementary-school field shall complete courses dealing with (a) learning experiences designed to develop skill in methods of teaching and evaluating pupil progress in the areas of instruction included in the elementary-school curriculum, and (b) shall have completed work in supervised student teaching at the elementary-school level. At least five semester hours of college credit shall have been secured in said supervised student teaching by said applicant.

**15.7 (8) Methods and student teaching—secondary certificate.** The applicant for a certificate valid for teaching in the secondary-school field shall have completed courses dealing with (a) learning experiences designed to develop skill in methods of teaching and evaluating pupil progress in the areas of instruction included in the secondary-school curriculum, and (b) shall have completed work in supervised student teaching in the secondary-school field. At least five semester hours of college credit shall have been secured in said supervised student teaching by said applicant.

**15.7 (9) Methods and student teaching—special subject certificate.** The applicant for a certificate valid for teaching in a special subject or special service area at the elementary- and secondary-school levels shall have completed courses dealing (a) with learning experiences designed to develop skill in methods of teaching and evaluating progress of elementary- and secondary-school pupils in the special subject or service area for which said certificate is valid, and (b) shall have completed work in supervised student teach-



ing in the special subject or service area for which said certificate is valid. At least five semester hours of college credit in said supervised student teaching shall have been secured by said applicant. This work in student teaching shall have dealt with both elementary- and secondary-school pupils.

**15.7 (10) Certification of special subject teacher as elementary teacher.** The holder of a certificate valid for teaching in a special subject or special service area at the elementary- and secondary-school levels shall become eligible for certification as an elementary-school teacher by completing the same subject-matter preparation specified herein as required of the applicant for a certificate valid for teaching in the elementary-school field, and, in addition thereto, by completing six semester hours in elementary-school methods outside the special subject or special service area for which said holder's certificate is already valid.

**15.7 (11) Certification of special subject teacher as secondary teacher.** The holder of a certificate valid for teaching in a special subject or special service area at the elementary- and secondary-school levels shall become eligible for certification as a secondary-school teacher by completing the same subject-matter preparation specified herein as required of the applicant for a certificate valid for teaching in the secondary-school field, and, in addition thereto, by completing three semester hours of secondary-school teaching methods outside the special subject or special service area for which said holder's certificate is already valid.

**15.8 (257) Graduate programs filed.** Iowa colleges and universities offering programs of preparation leading to certificates for which graduate study is specified herein shall be authorized to recommend applicants for said certificates only when said programs have been filed with and approved by the state board of public instruction.

**15.9 (257) Out-of-state programs.** In order to have their programs of teacher education considered for approval, out-of-state institutions shall offer programs and meet standards equivalent to those specified herein for Iowa colleges and universities and they shall also meet the following conditions: Be accredited for general excellence by a regional accred-

ing agency for collegiate institutions operating in the territories in which said institutions are located provided said regional accrediting agency is declared by the state board of public instruction as being acceptable to it; be approved by the state board or agency under whose jurisdiction the institution operates for the particular area or specialized field of teaching in which certification is sought; and be accredited by the National Council for Accreditation of Teacher Education, or, in lieu thereof, provide such other evidence of excellence of the teacher education program as may be required by the state board of public instruction.

**15.10 (257) Revised program approval.** Each revised program of teacher preparation leading to each class of certificate and each indorsement must be submitted to and approved by the state board of public instruction. Every institution must submit its revised program or programs on or before December 31, 1958.

**15.11 (257) Review committee.** The state board will take action regarding the approval of programs submitted by each institution after the report of a reviewing committee designated by the superintendent of public instruction has been submitted. In addition to appropriate members of the staff of the department of public instruction, the reviewing committee shall include representatives of colleges which prepare teachers and of the teaching profession. When a college contemplates major revisions in one or more of its approved programs such revisions may be announced and initiated only after having been approved by the state board.

#### CHAPTER 16

### CONVERSION OF EXISTING CERTIFICATES TO EQUIVALENT NEW CLASSES OF CERTIFICATES<sup>1</sup>

16.1 Conversion authorized.

16.2 Conversion tables.

**16.1 (257) Conversion authorized.** The state board of public instruction has authorized the conversion of all existing certificates to the equivalent new classes of certificates outlined in chapter 14.

<sup>1</sup>(a) Teachers with certificates in force must have met the requirements for the renewal of such certificates in order to be eligible to convert them into equivalent professional or preprofessional certificates.

(b) Applications for conversion are acceptable within twelve (12) months prior to expiration of certificates now in force.

(c) Permanent professional certificates are immediately available to qualified applicants.

16.2 (257) Conversion tables. The following tables summarize the manner in which these conversions will be made:

<i>Existing Certificates</i>	<i>Equivalent New Certificates</i>
<ol style="list-style-type: none"> <li>1. Life certificate where holder has 30 semester hours of credit beyond baccalaureate degree</li> <li>2. All other life certificates</li>   <li>3. All term certificates in force and based on college degrees<sup>1</sup> <ol style="list-style-type: none"> <li>a. Names of Certificates Involved                             <ol style="list-style-type: none"> <li>(1) Superintendents' certificates</li> <li>(2) Principals' certificates</li> <li>(3) Supervisors' certificates</li> <li>(4) Advanced elementary certificates</li> <li>(5) Standard secondary certificates</li> <li>(6) Advanced secondary certificates</li> <li>(7) Special certificates, exclusive of one-year special certificates</li> </ol> </li> </ol> </li> <li>4. All term certificates in force and based on less than college degrees                     <ol style="list-style-type: none"> <li>a. Names of Certificates Involved                             <ol style="list-style-type: none"> <li>(1) High school normal training certificates</li> <li>(2) Uniform county certificates</li> <li>(3) Standard elementary certificates</li> <li>(4) Special certificates, exclusive of one-year special certificates</li> </ol> </li> </ol> </li> <li>5. All holders of expired certificates</li> </ol>	<ol style="list-style-type: none"> <li>1. Permanent professional certificates</li>   <li>2. No conversion necessary unless lapsed; then eligible for conversion to equivalent new class of certificate on meeting reinstatement requirements</li> <li>3. Professional certificate, or when conditions are met, permanent professional certificate</li>   <li>4. Preprofessional certificate</li>   <li>5. Temporary certificate, also equivalent new class certificate when requirements for renewal or exchange have been met</li> </ol>

<sup>1</sup>Although some certificates named in this category were issued in former years in exchange for old-type certificates based on less than college degrees, the experienced holders of such certificates are always given the same renewal or conversion privileges as younger teachers who secured these certificates on the basis of degrees.

**CHAPTER 17  
REQUIREMENTS FOR RENEWAL OF  
TEACHERS' CERTIFICATES**

**DIVISION I  
MISCELLANEOUS REQUIREMENTS**

- 17.1 Renewal application forms.
- 17.2 Fees.
- 17.3 Time for application.
- 17.4 Where credits must be taken.
- 17.5 Recency of credits.
- 17.6 Records of experience.
- 17.7 Continued fitness evidence.
- 17.8 Professional spirit—evidence.
- 17.9 Requirements subject to change.

**DIVISION II  
TERM RENEWAL REQUIREMENTS**

- 17.10 Certificates issued on degrees.
- 17.11 Certificates issued without degree.

**DIVISION III  
LIFE RENEWAL REQUIREMENTS**

- 17.12 Expired certificates.
- 17.13 Standard elementary and five-year special.
- 17.14 Other five-year certificates.
- 17.15 Lapsing of certificates.

**DIVISION IV  
SUBSTITUTE CERTIFICATE RENEWAL**

- 17.16 Proper use.
- 17.17 Successful teaching.
- 17.18 Limit on use per year.

**DIVISION V  
TEMPORARY CERTIFICATE RENEWAL**  
17.19 Generally not renewable.

**Division I  
MISCELLANEOUS REQUIREMENTS**

**17.1 (257) Renewal application forms.**  
Application forms for renewal of certificates may be secured from the Department of Public Instruction, registrars of Iowa colleges, superintendents and county superintendents.

**17.2 (257) Fees.**  
The fee for the term renewal of a certificate is two dollars; for a life renewal, five dollars. Fees should be sent to the Department of Public Instruction made payable to the Superintendent of Public Instruction.

**17.3 (257) Time for application.**  
The application and fee for the renewal of a certificate may be filed as early as twelve months prior to expiration date.

**17.4 (257) Where credits must be taken.**  
Credits earned for the renewal of certificates must be completed in an institution approved by the state board of public instruction. Teachers with sixty or more semester hours of credit on the date of registration for courses to be used for certificate renewal must earn the credits in an approved *senior* college.

**17.5 (257) Recency of credits.**

If a certificate is renewed at date of expiration, the credits presented for the renewal of the certificate are acceptable, if earned during the term of the certificate. If a certificate is not renewed at date of expiration, the credits presented for its renewal must have been completed within the five-year period immediately preceding the date of application for the renewal.

**17.6 (257) Records of experience.**

Statements from school officials under whom an applicant has taught are required for renewal of certificates. Appropriate forms for this purpose are provided by the state board of public instruction.

Applicants who have not completed the minimum experience requirements to combine with college credits for the renewal of a certificate and who present additional college credits in lieu of such experience must also file statements from school administrators for such experience as they may have had during the term of the certificate being offered for renewal.

**17.7 (257) Continued fitness evidence.**

Such evidence as the state board of public instruction may require showing continued physical and mental health, and moral fitness sufficient for work in the schools must be presented.

**17.8 (257) Professional spirit—evidence.**

A person renewing a certificate is required to present such evidence as the state board of public instruction may require showing professional spirit.

The state board has defined the evidence of professional spirit as follows:

a. Completion of additional college credits as specified since the date of issuance of certificate being offered for renewal.

b. Adherence to the Code of Ethics for Teachers as adopted by the National Education Association and the Iowa State Education Association.

c. Attendance at and co-operative participation in institutes and teachers' meetings called by school officials.

d. Assumption of responsibility for keeping one's own teacher's certificate in force and registered as required by law as long as employed in school work.

e. Refusal to accept a position for which one is not qualified.

f. Refusal to aid and abet in any manner the continuance in service of any teacher known to be ineligible for a teacher's certificate.

**17.9 (257) Requirements subject to change.**

Renewal requirements are subject to change. The holder of a certificate is responsible for keeping himself informed regarding changes in requirements. While all such changes are widely publicized by the department of public instruction, it is not possible to inform each certificate holder directly whenever such changes are adopted.

All changes in requirements are distributed

among city and county superintendents, and college and university departments of education in Iowa. They are also available to any person or institution upon request.

**Division II**

**TERM RENEWAL REQUIREMENTS<sup>1</sup>**

**17.10 (257) Certificates issued on degrees.**

**17.10 (1) Names of certificates involved:**

- (1) Professional certificates
- (2) Superintendents' certificates
- (3) Principals' certificates
- (4) Supervisors' certificates
- (5) Advanced elementary certificates
- (6) Standard secondary certificates
- (7) Advanced secondary certificates
- (8) Special certificates, exclusive of one-year certificates

When renewal requirements for these certificates are met, they will be converted to professional certificates.

**17.10 (2) General requirements.**

Every person renewing a certificate based on a college degree should complete the required college credits in courses related to the increase in competence to do the type of service covered by the certificate being offered for renewal.

**17.10 (3) Renewal requirements — additional preparation and experience.**

Successful experience in teaching during the term of the certificate as judged by analysis of evidence filed concerning all such experience, but totaling at least eight months; and, in addition thereto, six semester hours of credit earned since the date of issuance of the certificate.

In lieu of the above experience and credit: Eight semester hours of additional college credit.

**17.11 (257) Certificates issued without degree.**

**17.11 (1) Names of certificates involved:**

- (1) Preprofessional certificates
- (2) High school normal training certificates
- (3) Uniform county certificates
- (4) Standard elementary certificates
- (5) Special certificates, exclusive of one-year special certificates
- (6) Limited elementary certificates<sup>2</sup>

When renewal requirements for these certificates are met, they will be converted to preprofessional certificates.

<sup>1</sup>Term renewal requirements are suspended for people sixty years of age or older who hold preprofessional certificates or higher and have had five years (forty months) of successful teaching experience during the term of their certificates being offered for renewal.

<sup>2</sup>These limited elementary certificates were renewable once only for one three-year term. However, upon completion of 12 additional semester hours of credit at a single institution under the conditions outlined under 17.13 (2), they may be converted to preprofessional certificates.

**17.11 (2) General requirements.**

Every person renewing a certificate based on less than a college degree must present a statement signed by a registrar of the single, approved institution where the credits for renewal are on record showing the following facts:

(1) That all credit from other colleges has been received and evaluated in terms of the requirements for the completion of the program leading to a professional certificate.

(2) That the credits being offered in support of the application for renewal count toward the completion of the requirements for the professional certificate.

**17.11 (3) Renewal requirements — additional preparation and experience.**

Successful experience in teaching during the term of the certificate as judged by analysis of evidence filed concerning all such experience, but totaling at least eight months; and in addition thereto, six semester hours of credit earned since the date of issuance of the certificate.

In lieu of the above experience and credit: Eight semester hours of additional college credit.

**Division III****LIFE RENEWAL REQUIREMENTS<sup>2</sup>**

**17.12 (257) Expired certificates.** Certificates that have expired cannot be renewed for life. Any five-year certificate, in force as of December 31, 1953, may be renewed for life on date of expiration by meeting the following requirements.

**17.13 (257) Standard elementary and five-year special.**

**17.13 (1) Experience.**

Five years' successful teaching experience, two of which must have occurred during the term of the certificate offered for life renewal.

**17.13 (2) Professional training, growth, spirit.**

Evidence of having completed a two-year college curriculum (or a minimum of sixty semester or ninety quarter hours of college credit) recognized by the state board of public instruction, and in addition thereto, at least nine semester or thirteen quarter hours of college credit earned during the term of the certificate to be renewed for life.

**17.14 (257) Other five-year certificates.**

Five years' successful teaching experience, two of which must have occurred during the term of the certificate offered for life renewal.

**17.15 (257) Lapsing of life certificates.**

**17.15 (1) Lapsing due to nonuse.**

A certificate renewed for life remains in

force only as long as the holder permits no five-year period to pass in which he has not been employed in school work for at least eight months in administration, supervision, or teaching. (One hundred sixty days of teaching is considered the equivalent of eight months.)

**17.15 (2) Reinstatement of lapsed life certificate for term.**

A life certificate which has lapsed may be reinstated upon filing eight semester hours of college credit earned in an approved institution within the five-year period immediately preceding the date of application for reinstatement.

A lapsed life certificate is reinstated, not as another life certificate, but as an equivalent term certificate as outlined in chapter 16. Exception: If the requirements for it are met, the permanent professional certificate will be issued immediately upon meeting the requirements for the reinstatement of a lapsed life certificate.

**Division IV****SUBSTITUTE CERTIFICATE RENEWAL****17.16 (257) Proper use.**

Evidence showing that substitute teacher's certificate was used only to take the place of a regularly employed, certificated teacher who actually began the school year.

**17.17 (257) Successful teaching.**

Evidence showing that any teaching experience had during the term of the certificate was successful, or recommendation by a superintendent or county superintendent as to continued fitness for teaching.

**17.18 (257) Limit on use per year.**

Evidence that not more than ninety days of full-time teaching was done by the applicant during any one school year while the certificate was in force, unless such teaching was covered by a valid certificate or was authorized in writing by an appropriate supervisor in the department of public instruction.

**Division V****TEMPORARY CERTIFICATE RENEWAL**

**17.19 (257) Generally not renewable.** Except when so stipulated by the conditions under which it is issued, the temporary certificate is not renewable.

This certificate is usually issued only to people who will become holders of a regular term certificate by completing either six or eight additional semester hours of appropriate college credit.

**CHAPTER 18****GENERAL INFORMATION RELATING TO THE APPROVAL OF CERTIFICATED PERSONNEL**

18.1 Schools to which applicable.

18.2 Uncertificated personnel—consequences.

18.3 Minimum standards prescribed.

18.4 Special advice to officials.

18.5 Certificates for certain positions.

<sup>2</sup>After June 30, 1953, life renewals will be available only to people with proper experience who have completed 30 semester hours of preparation in addition to the baccalaureate degree. Because, as outlined in chapter 14, such people will be eligible to receive permanent professional certificates, there will then be no advantage in securing a life renewed certificate of the old type.

- 18.6 Prior service recognized.
- 18.7 Preparation at accredited institution.
- 18.8 Departmental approval statement.
- 18.9 Emergency approval.

**18.1 (257) Schools to which applicable.**

Aside from the fact that every rural school must be taught by a teacher or teachers holding certificates valid for the grade levels included in such schools to which said teachers are assigned, the approval standards stated herein apply to the elementary and secondary schools (including junior colleges) operated by school districts which maintain approved high schools.

**18.2 (257) Uncertificated personnel—consequences.**

Any school, rural or otherwise, which does not employ regularly certificated teachers who are qualified for the types of positions held may, under certain conditions, be ineligible for participation in the state distributive funds, and the collection of tuition from non-residents from other districts which do not maintain approved high schools.

**18.3 (257) Minimum standards prescribed.**

The department of public instruction recognizes that the requirements outlined herein are minimum standards only. They are not to be accepted as standards for schools which are attempting to give maximum service. In every instance the required preparation should be exceeded by the good teacher. School boards and superintendents must recognize that standards for teaching are rising the country over, and that Iowa standards are relatively low as compared with other states. Iowa teachers, therefore, may expect that requirements will be raised and should govern themselves accordingly.

**18.4 (257) Special advice to officials.**

**18.4 (1) To school boards.**

Section 279.14, Code of Iowa, 1954, designates the superintendent as the executive officer of the board. Before filling any vacancy at any time, consult your superintendent. *Under no circumstances should a contract be signed unless you are sure the teacher is properly qualified.* If you are not sure the teacher under consideration meets the minimum requirements for the position, call or write the Department of Public Instruction, Des Moines, Iowa 50309.

**18.4 (2) To superintendents.**

Be sure to consult these rules before filling any vacancies in your teaching staff. In filling vacancies, call the attention of your school board to the paragraph above so that such vacancies will not be filled with unqualified teachers.

In making assignments of secondary-school teachers it is expected that superintendents will recognize the preparation of the teacher, and require at least twenty semester hours of preparation in any field which constitutes the teacher's major assignment.

**18.5 (257) Certificates for certain positions.** A certificate appropriate for each type of posi-

tion is required. The following statements are important in this connection:

**18.5 (1)** Certificates authorizing service or teaching at the elementary and secondary-school levels in specific areas or subjects are not valid for teaching academic subjects not covered by such indorsements.

**18.5 (2)** Certificates for elementary-school teaching are not valid for service above the eighth grade unless so designated by the certificates or the indorsements on them.

**18.5 (3)** No certificates valid for secondary-school teaching may be used below the seventh grade unless specific indorsements to that effect appear on them.

**18.6 (294) Prior service recognized.** Any teacher who has been regularly approved for teaching a subject or grade in an approved Iowa school may continue to teach that subject or grade in the same type of Iowa school even though he does not meet the present standards (section 294.2, Code 1954). This privilege is not extended to teachers who have been approved but do not meet the legal requirements; e.g., a holder of a certificate valid only for teaching in the seventh grade or above does not qualify on that certificate for teaching below the seventh grade, even though he may have once taught in kindergarten and grades one through six.

**18.7 (257) Preparation at accredited institution.** In every instance where "preparation or training" of the teacher is mentioned, such preparation or training must be secured in, or validated or evaluated by, a regularly accredited teacher-education institution. Such Iowa institutions are listed in the Iowa Educational Directory, published annually by the department of public instruction. Accredited out-of-state schools are those accredited by the North Central Association of Colleges and Secondary Schools or comparable regional accrediting associations, or the National Council for Accreditation of Teacher Education. Any reference to "hours of preparation" is expressed in semester hours only.

**18.8 (257) Departmental approval statement.** It is the practice of the department of public instruction to issue an official statement to each secondary-school teacher indicating the subjects which that teacher is approved to teach under these standards. Thus, employing officials will know in advance of hiring a teacher whether or not said teacher's qualifications fit the position to be filled. On request, this information will be supplied to any superintendent or school board direct from the department of public instruction.

Each Iowa teacher-preparing institution, approved by the state board of public instruction, shall outline the courses or levels of adequacy which its students must attain in order to be recommended for approval to teach in the various subject-matter areas. After the state board of public instruction has officially ac-

cepted said outline from an institution, the teacher prepared at said institution shall be approved only when said courses or levels of adequacy shall have been completed or attained as attested to by said institution even though said courses or levels of adequacy exceed the minimum approval standards outlined herein. When a teacher's record of credits from a college outside Iowa is filed for evaluation to determine said teacher's areas of approval, said record shall be interpreted for each teaching area in a manner consistent with standards typical of those filed by Iowa colleges and officially accepted by the state board of public instruction.

**18.9 (257) Emergency approval.** The superintendent of public instruction shall, at his discretion, extend temporary approval in emergency situations to certificated teachers who are making annual progress to his satisfaction toward meeting the regular approval standards outlined herein. [Amendment filed July 17, 1957]

### CHAPTER 19 REQUIREMENTS FOR EACH TYPE OF POSITION

#### DIVISION I ADMINISTRATION

- 19.1 Superintendent and assistant.
- 19.2 Secondary principal and assistant.
- 19.3 Elementary principal and assistant.

#### DIVISION II SUPERVISION

- 19.4 Definition of supervisor.
- 19.5 Secondary supervisor.
- 19.6 Elementary supervisor.
- 19.7 Elementary-secondary supervisor.

#### DIVISION III HIGH SCHOOL AND JUNIOR COLLEGE TEACHERS

- 19.8 Grades seven through twelve.
- 19.9 Grades thirteen and fourteen.

#### DIVISION IV SPECIAL SUBJECT TEACHERS

- 19.10 Art, music, industrial arts and physical education.
- 19.11 Teachers in special service.

#### DIVISION V ELEMENTARY SCHOOL TEACHERS

- 19.12 Certificate.
- 19.13 Preparation.
- 19.14 Experience.
- 19.15 Approval for teaching.

#### DIVISION VI LIBRARIANS

- 19.16 Certificate.

#### DIVISION VII GUIDANCE

- 19.17 Qualifications.

#### DIVISION VIII PUBLIC SCHOOL HEALTH NURSES

- 19.18 Requirements.

#### DIVISION IX OTHER SERVICES

- 19.19 Certification.

#### Division I ADMINISTRATION

### 19.1 (257) Superintendent and assistant.<sup>1</sup>

#### 19.1 (1) Certificate.

(1) Superintendent's certificate, or professional or permanent professional certificate

indorsed for service as superintendent.

(2) Life validated old-type state certificate accepted for those previously approved as superintendent on such certificate.

#### 19.1 (2) Preparation.

As prescribed for one of the above certificates.

#### 19.1 (3) Experience.

As required to qualify for the certificate.

#### 19.1 (4) Approval for teaching.

Superintendents are eligible to teach at either the secondary or elementary level, or both. However, they are limited in their teaching schedule the same as are other teachers; i.e., they must meet the preparation standards, or previous experience required of classroom teachers. Superintendents teaching special subjects may teach at either the secondary or the elementary level or both, but must meet the training requirements prescribed for the teachers at each level at which teaching is done. Any new combination of superintendent and vocational agriculture will not be approved. Any combination of duties or an overload of teaching and study hall assignments which consumes more than one-half of the superintendent's time is viewed with disfavor. Ample time in the day's routine must be allotted for administrative procedures and direct supervision of the school's personnel.

### 19.2 (257) Secondary principal and assistant.<sup>2</sup>

#### 19.2 (1) Certificate.

(1) Secondary principal's certificate, or professional or permanent professional certificate indorsed for service as secondary-school principal.

(2) Life validated old-type state certificates accepted for those previously approved.

#### 19.2 (2) Preparation.

As prescribed for above certificates.

#### 19.2 (3) Experience.

As required to qualify for the certificate.

#### 19.2 (4) Approval for teaching.

Secondary-school principals are limited in their teaching schedule the same as are teachers; i.e., they must meet the preparation standards or previous experience required of classroom teachers at the secondary level.

*Note: The standard and advanced secondary certificates are not valid for any principalship. Only teachers holding secondary-school principal's certificates or professional certificates indorsed for service as secondary-school principal may be designated as principal in any listings of the school's personnel. No teacher shall be assigned or designated as acting principal unless he holds a valid certificate for the principal's position.*

### 19.3 (257) Elementary principal and assistant.

<sup>1</sup>The superintendent of a public school system which maintains a junior college must hold a master's degree and must have preparation in educational administration, and supervision or curriculum.

<sup>2</sup>A secondary-school principal or teacher who serves as a dean or junior college administrator must hold a master's degree and must have preparation in educational administration, and supervision or curriculum.

**19.3 (1) Certificate.**

(1) Elementary principal's certificate, or professional or permanent professional certificate indorsed for service as elementary principal.

(2) Life validated old-type state certificate accepted for those previously approved as elementary-school principal.

**19.3 (2) Preparation.**

As prescribed for above certificates.

**19.3 (3) Experience.**

As required to qualify for the certificate.

**19.3 (4) Approval for teaching.**

Any grade or subject at the elementary level, or, when so designated on the certificate, subjects in the ninth grade.

*Note: The standard and advanced elementary certificates are not valid for any principalship. No teacher shall be assigned or designated as acting principal unless he holds a valid certificate for the principal's position.*

## Division II SUPERVISION

**19.4 (257) Definition of supervisor.**

A supervisor is defined as one who spends more than half time supervising the teaching of some particular subject or subjects, or a combination of such supervision and the preparation of outlines, directions, or performs services for those working under his supervision. The work of a supervisor may be done on the high-school level or on the elementary level or on any combination of elementary and secondary supervision.

**19.5 (257) Secondary supervisor (not in special subjects).****19.5 (1) Certificate.**

(1) Superintendent's or secondary principal's certificate; or professional or permanent professional certificate indorsed for service as superintendent or secondary principal.

(2) Certificate for supervision of the subject involved.

(3) Life validated old-type state certificate accepted on which the supervisor may have been previously approved in this position.

**19.5 (2) Preparation.**

As prescribed for above certificates.

**19.5 (3) Experience.**

As required to qualify for the certificate.

**19.5 (4) Approval for teaching.**

Any secondary subject in which the supervisor meets approval standards for teachers on preparation as prescribed in this bulletin.

**19.6 (257) Elementary supervisor (not in special subjects).****19.6 (1) Certificate.**

(1) Superintendent's certificate, or professional or permanent professional certificate indorsed for service as superintendent.

(2) Elementary supervisor's certificate

or professional or permanent professional certificate indorsed for elementary-school supervision.

(3) Life validated old-type state certificate accepted for persons previously approved as elementary supervisor on this certificate.

**19.6 (2) Preparation.**

As prescribed for above certificates.

**19.6 (3) Experience.**

As required to qualify for the certificate.

**19.6 (4) Approval for teaching.**

Any grade or elementary subject, and, if so designated on the certificate, subjects in the ninth grade in which approval standards have been met.

**19.7 (257) Elementary-secondary supervisor (special subjects or special services).****19.7 (1) Certificate.**

(1) Supervisor's certificate, or professional or permanent professional certificate indorsed for supervision of the special subject or special service concerned.

(2) Life validated old-type state certificate on which the teacher has been previously approved as a supervisor in the special subject or special service area concerned.

**19.7 (2) Preparation.**

As prescribed for above certificates.

**19.7 (3) Experience.**

As required to qualify for the certificate.

**19.7 (4) Approval for teaching.**

The special subject concerned at any level.

## Division III

### HIGH SCHOOL AND JUNIOR COLLEGE TEACHERS

**19.8 (257) Grades seven through twelve.**

The specific requirements outlined herein give the approval standards for teachers of various subjects in grades nine through twelve. To be approved for teaching any subject in these grades the teacher must hold a certificate<sup>1</sup> valid for these grades and have the minimum number of college credits specified for each subject. Specific credits in seventh- and eighth-grade subjects taught are not required, except in special subjects and special service areas as outlined in Division IV of this chapter.

**19.8 (1) Agriculture.****(1) General agriculture.**

Ten semester hours in agriculture.

**(2) Vocational agriculture.**

Completion of a four-year curriculum in an institution<sup>2</sup> approved by the state board of public instruction and the United States office of education of the department of health, education, and welfare.

**19.8 (2) Art (see Division IV).****19.8 (3) Business education.**

Each teacher to be approved in any subject

<sup>1</sup>In addition to certificates of current issue which state specifically the grades for which they are valid, life validated old-type state certificates on which the teacher has been previously approved continue to be honored.

<sup>2</sup>Iowa State University, Ames, is the only institution in Iowa which is designated and approved to prepare teachers in vocational agriculture.

in the field of business education shall have completed a total of fifteen semester hours in said field and shall also meet the specific requirements for each subject as follows: (1) For approval in bookkeeping, the teacher shall have completed a college course in accounting or its equivalent; (2) for approval in shorthand and typewriting, the teacher shall have completed an advanced college course for credit in each such subject to be taught; (3) for approval in business arithmetic, the teacher shall have met the approval standard either in bookkeeping or mathematics; (4) for approval in business law, the teacher shall have completed a college course in said subject; (5) for approval in office practice, the teacher shall have met the approval standard in typewriting or bookkeeping; (6) for approval in secretarial practice, the teacher shall have met the approval standards in shorthand and typewriting; (7) for approval in general business training, the teacher shall have completed fifteen semester hours in any single business-education course or combination thereof; (8) for approval in additional business subjects such as consumer education, salesmanship, or retailing, the teacher shall have completed some preparation in the subject to be taught. [Filed July 17, 1957]

**19.8 (4) Distributive education (vocational).**

Supervisors, co-ordinators, and teachers of distributive education shall have completed a curriculum in business education in an institution<sup>3</sup> approved by the state board of public instruction and the United States office of education of the department of health, education, and welfare, and shall have had work experience in the field of business education as set forth in the Iowa state plan for vocational education.

**19.8 (5) Driver education and safety.**

Ten semester hours in the field of safety education, including two semester hours in actual behind-the-wheel driving.

**19.8 (6) English, speech and journalism.**

(1) English.

Fifteen semester hours in the field, with specific preparation in each subject taught, except that, provided a teacher has a broad and diversified preparation in the field of at least twenty-four semester hours, he may be approved for teaching all English except that, on and after August 31, 1958, fifteen semester hours shall be required in the English field, with specific preparation required in each English subject taught, except that, provided a teacher has had a broad and diversified preparation in the English field of at least thirty semester hours, he shall be approved for teaching all typical high-school subjects in English and also such additional specialized

English courses to which said teacher might be assigned. [Filed July 17, 1957]

*Note: Typical subjects in English designated on approval statements are: (1) Ninth and tenth grade English, (2) American literature, (3) English literature. English literature and American literature are included only when the teacher has had specific credits in each of these areas in addition to any emphasis on them included in freshman English or communications courses.*

(2) Speech and journalism.

Ten semester hours shall be required in the speech field except that a teacher who shall have completed fifteen semester hours in the English field shall be approved to teach speech with only six semester hours having been completed by said teacher in the speech field.

Ten semester hours shall be required in the journalism field except that a teacher who shall have completed fifteen semester hours in the English field shall be approved to teach journalism with only six semester hours having been completed by said teacher in the journalism field. [Filed July 17, 1957]

*Note: A teacher approved in English is permitted to teach units dealing with speech and journalism in regular English classes to which this teacher is assigned.*

Anyone who teaches a separate course in speech or journalism must meet the standards as outlined under (2) above.

**19.8 (7) Homemaking.**

(1) General homemaking.

Twenty semester hours in homemaking.

(2) Vocational homemaking.<sup>1</sup>

Completion of a four-year curriculum in home economics education in an institution<sup>1</sup> which has been approved by the state board of public instruction and the United States office of education of the department of health, education, and welfare for the training of teachers in reimbursed programs in home economics.

**19.8 (8) Industrial arts.**

Fifteen semester hours in industrial arts, provided the preparation is general.

*Note: Fifteen semester hours in mechanical drawing only would not suffice for the approval of a teacher of industrial arts. It would qualify him for teaching mechanical drawing at the secondary-school level.*

A certificate valid for teaching industrial arts in elementary-secondary grades is now available in recognition of broad preparation in the field. Such a certificate, or two certificates (one elementary, one secondary), must be held by teachers whose program includes both elementary and secondary pupils.

**19.8 (9) Languages (exclusive of English).**

Fifteen semester hours in the language taught. Three semester hours of credit given

<sup>3</sup>The Iowa institutions which are designated and approved for preparing teachers in distributive education are Iowa State University, Ames; State College of Iowa, Cedar Falls; and State University of Iowa, Iowa City.

<sup>1</sup>Iowa State University, Ames, is the only institution in Iowa which is designated and approved to prepare teachers in vocational homemaking.



for two years of high school training in the language taught.

**19.8 (10) Mathematics.**

Fifteen semester hours in the field. One semester hour of credit given for advanced algebra, trigonometry, or solid geometry pursued in high school with a maximum of three semester hours.

**19.8 (11) Music (see Division IV).**

**19.8 (12) Physical education (see Division IV).**

**19.8 (13) Science.**

Fifteen semester hours in science with some preparation in the subject taught. Teachers will be approved for teaching all sciences if they have twenty-four semester hours of preparation in the area, including work in physical and biological science except that, on and after August 31, 1958, fifteen semester hours shall be required in the science field and six semester hours shall be required in each science subject taught, except that, provided a teacher has had thirty semester hours of preparation in science including credits in chemistry, physics and biological science, he shall be approved to teach all typical high-school subjects in science. [Filed July 17, 1957]

*Note: Teachers will be approved for teaching biology if, in lieu of hours in biology, they present hours in zoology and botany.*

Teachers will be approved to teach general science if they present hours in physical science and a biological science background. In any case the total semester hours of science must be fifteen or more.

**19.8 (14) Social studies.**

Fifteen semester hours in the field and some preparation in the subject taught, except that, provided a teacher has a broad and diversified preparation in the field of social studies (a total of at least twenty-four semester hours including some hours in history and American government and at least one other subject of the social studies area), he may be approved for all subjects in history and social studies.

On and after August 31, 1958, fifteen semester hours shall be required in the social science field and six semester hours of preparation shall be required in each subject in the social-studies subject taught, except that, provided a teacher has had thirty semester hours of preparation in social science including credits in American history, history other than American, government including American, economics, and sociology, he shall be approved to teach all typical high-school courses offered in history and social studies. Credits in American history and in history other than American shall be included in the minimum of six semester hours required of a teacher for approval to teach world history.

For approval to teach the combination-type course commonly taught in many high schools under titles such as modern problems or prob-

lems of American democracy, the teacher shall have completed some college credit classifiable as American history, American government, economics and sociology. [Filed July 17, 1957]

**19.8 (15) Trade and industrial classes.**

Instructional staff members in the field of trade and industrial education must meet the requirements as outlined in the Iowa state plan for vocational education. When specific professional training is required, this training must be taken in an institution approved by the state board of public instruction and the United States office of education of the department of health, education, and welfare.

**19.9 (257) Grades thirteen and fourteen (junior college).**

Junior college instructors must hold certificates which are valid for teaching in grades thirteen and fourteen.

Junior college instructors, those in service as well as additions to the staff, are encouraged to have preparation in junior college philosophy and teaching methods, and in counseling and guidance at the college level.

**19.9 (1) Academic fields except those listed under 19.9(2) and 19.9(3) following.**

Master's degree from a recognized graduate school and ten semester hours of graduate credit in each of the fields in which instruction is given.

**19.9 (2) Special fields.**

(1) Art.

Master's degree in art from a recognized graduate school; or, in lieu thereof, a certificate valid for teaching art in the elementary-secondary grades.

(2) Music.

Master's degree in music from a recognized graduate school; or, in lieu thereof, a certificate valid for teaching music in the elementary-secondary grades.

(3) Physical education.

Master's degree in physical education from a recognized graduate school; or, in lieu thereof, a certificate valid for teaching physical education in elementary-secondary grades.

(4) A person serving as librarian for

half time or less shall have completed twenty semester hours of preparation in library science; or, in lieu thereof, said person shall hold a certificate indorsed for service as a school librarian; a person serving as librarian for more than half time shall have completed a master's degree in library science, and said person shall hold a certificate indorsed for service as a school librarian. [Filed July 17, 1957]

**19.9 (3) Other fields.**

(1) Accounting.

Master's degree from a recognized graduate school with fifteen semester hours of graduate or undergraduate credit in accounting.

(2) Engineering drawing.

Bachelor's degree with eight semester hours

as is required in a basic curriculum in mechanical engineering.

(3) Shorthand and typewriting.

Master's degree from a recognized graduate school with either a graduate or an undergraduate major in the field of commerce, and with not less than five semester hours of graduate or undergraduate credit in each of these subjects.

(4) Speech.

Master's degree from a recognized graduate school with ten semester hours of graduate or undergraduate credit in courses in speech, one-half of which must be in speech, as distinguished from dramatic art.

(5) Teacher education.

Master's degree from a recognized graduate school with ten semester hours of graduate credit in elementary education.

(6) Terminal or nontransfer courses.<sup>1</sup>

Appropriate preparation for each course taught as determined by the official in the department of public instruction who supervises junior colleges.

#### Division IV

##### SPECIAL SUBJECT TEACHERS

#### 19.10 (257) Art, music, industrial arts and physical education.

Schools which have a regularly approved special program operating under a fully qualified teacher holding a certificate valid for teaching the special subject in elementary-secondary grades may assign minor activities in the special field to other teachers who, on the basis of preparation and proficiency in the field, may be approved by the regional supervisor provided these teachers are certificated for the level on which they teach. The department of public instruction makes no distinction for approval purposes between physical education and athletics; between curricular and extra-curricular activities; or between credit and noncredit courses. If the teacher directs pupils in any part of the school program, it is assumed that he is paid for such service and he must meet approval standards.

#### 19.10 (1) High school only.

Certificate valid for teaching in high school with ten semester hours in the special subject concerned, except that if the assignment to the special subject occupies the major part of the teacher's school day, a proportionate amount of preparation in excess of ten semester hours shall be expected, up to and including twenty semester hours for a full-time assignment; or, in lieu thereof, a certificate valid for teaching the special subjects concerned in elementary-secondary grades.

On and after August 31, 1958, the teacher of a special subject in high school only or in

<sup>1</sup>Where teachers approved for giving instruction in non-transfer courses are not certificated for teaching in junior college (grades thirteen and fourteen), a regulation exists whereby, with the concurrence of the Division of Vocational Education of the Department of Public Instruction, an approval certificate can be issued. For information, write to the Division of Teacher Education and Certification, Department of Public Instruction.

junior high school only shall hold a certificate valid for teaching at the grade levels involved, shall have completed fifteen semester hours in the special subject concerned, except that, if the assignment to the special subject occupies more than half of said teacher's school day, said teacher shall have completed thirty semester hours of preparation in said special subject, except that, in lieu thereof, said teacher shall be approved for teaching the special subject part or full time provided he holds a certificate indorsed for teaching said special subject in the elementary-secondary grades. [Amendments filed July 17, 1957]

*Note: Teachers, even though they have the credits in the special subject concerned as outlined above, cannot teach a special subject below the seventh grade unless they hold a certificate which authorizes them to do so.*

#### 19.10 (2) Elementary grades only.

Certificate valid for teaching in the elementary grades accepted for teaching in the special subject concerned in the grade or grades for which teacher is directly responsible for the total teaching program, and, if assigned to teach a special subject to grades or pupils outside the grades for which the teacher is completely responsible, ten semester hours in the special subject, with proportionate added preparation if the teacher's assignment to the special subject occupies the major part of the teacher's school day, up to and including twenty semester hours for a full-time assignment; or, in lieu thereof, a certificate valid for teaching the special subject concerned in elementary-secondary grades.

On and after August 31, 1958, the teacher of a special subject in the elementary-school grades only shall hold a certificate valid for teaching in the elementary school grades, and shall, if he teaches a special subject outside the grade or grades for which he is directly responsible for the teaching of other subjects, have completed fifteen semester hours in the special subject concerned, except that, if the assignment to the special teacher occupies more than half of said teacher's school day, said teacher shall have completed thirty semester hours of preparation in said special subject, except that, in lieu thereof, said teacher shall be approved for teaching the special subject part or full time provided he holds a certificate indorsed for teaching said special subject in the elementary-secondary grades. [Amendment filed July 17, 1957]

#### 19.10 (3) Both high school and elementary grades.

Certificate or certificates valid for general teaching at both the elementary and secondary levels with the number of credits in the special subject concerned as outlined in subsections 1 and 2 above; or, in lieu thereof, a certificate valid for teaching the special subject concerned in elementary-secondary grades.

*Note: Neither a certificate valid for secondary nor elementary teaching alone is valid in*

*this situation, regardless of the amount of preparation.*

#### **19.11 (257) Teachers in special service.**

See chapter 14 for the special service areas in which certification is available. With the exception of librarians and public school health nurses, these special service areas are concerned with the education of exceptional children (special education). See Divisions VI and VIII for further comment about librarians and nurses.

Any person who works in the schools in the field of special education must hold appropriate special service certification in order for the program to be approved for reimbursement by the department of public instruction.

### **Division V**

#### **ELEMENTARY SCHOOL TEACHERS**

#### **19.12 (257) Certificate.**

Teachers in the elementary school must be certificated for the elementary-school teaching. Life validated old-type state certificates on which the teacher has been previously approved for elementary-school teaching are accepted.

First grade uniform county and high school normal training certificates are accepted.

In all other cases, when a certificate is valid for elementary-school teaching, it is so stated on the certificate.

#### **19.13 (257) Preparation.**

As prescribed for the certificate, except that any one of the certificates must be accompanied by at least thirty semester hours of college preparation including eight semester hours in education, three semester hours of which shall be in elementary methods except that, on and after August 31, 1958, one hundred twenty semester hours of preparation including twenty semester hours in education, six semester hours of which shall be in methods of teaching and evaluating pupil progress in the area of instruction included in the elementary-school curriculum shall be required of a teacher for approval; and sixty semester hours of college preparation including eight semester hours in education, three of which shall be in elementary methods, shall be required for temporary approval of a teacher provided that said temporary approval shall be continued for successive one-year terms upon the completion by said teacher of additional preparation yearly equivalent to six semester hours until a bachelor's degree has been secured; and except that on and after August 31, 1960, one hundred twenty semester hours of college preparation and a bachelor's degree including twenty semester hours in education, six semester hours of which shall be in methods of teaching and evaluating pupil progress in the area of instruction included in the elementary-school curriculum shall be required for approval of a teacher. [Amendment filed July 17, 1957].

#### **19.14 (257) Experience.** None.

#### **19.15 (257) Approval for teaching.**

Any or all of the elementary subjects in kindergarten, and grades one through eight, and subjects in grade nine when the certificate is so indorsed, except the special subjects outside of grades for which the teacher may be completely responsible. (See Teachers of Special Subjects—Elementary Grades Only.)

*Note: Teachers now on a temporary approval basis will be continued on such temporary approval as long as they progress toward and until they acquire the thirty semester hours required for regular approval. Superintendents are reminded that no original elementary certificate is now issued for term on less than sixty semester hours of preparation. Approval standards will undoubtedly rise as the certification requirements call for increased preparation. Teachers holding certificates valid for high-school teaching only are not eligible to teach any subject in grades below the seventh.*

No cadet teacher or practice teacher of a teacher-training institution shall serve as a substitute teacher unless he holds a valid certificate.

### **Division VI**

#### **LIBRARIANS**

**19.16 (257) Certificate.** On and after August 31, 1958, a person approved for service as a teacher-librarian for half-time service or less shall hold a certificate valid for either or both elementary- and secondary-school teaching, and also shall have completed nine semester hours in library science, three semester hours in children's literature and three semester hours in methods and materials of audio-visual instruction.

On and after August 31, 1958, a person approved for service as a school librarian devoting more than half time to such service shall hold a certificate indorsed for service as a school librarian in the elementary- and secondary-school grades. [Filed July 17, 1957]

### **Division VII**

#### **GUIDANCE**

**19.17 (257) Qualifications.** A person approved for service as a teacher-counselor who devotes half time or less to counselor activities shall hold a certificate valid for teaching at the school level in which counseling is done and said person shall have completed fifteen semester hours in counseling and guidance distributed so as to include preparation in each of the following areas: Principles and practices in guidance, analysis of the individual, organization and administration of guidance services, educational and occupational information, and techniques of counseling; provided further that, a person approved for devoting more than half time to counselor activities, shall have had two years of successful teaching experience and have completed an additional fifteen semester hours as follows: Nine semester hours selected from areas such as problems of pupil adjustment, individual differences, individual mental testing, educational research, curriculum, statistics in educa-

tion or psychology exclusive of elementary preparation in tests and measurements, and six semester hours in economics and sociology. [Filed July 17, 1957]

### Division VIII

#### PUBLIC SCHOOL HEALTH NURSES

**19.18 (257) Requirements.** Nurses who teach hygiene and allied subjects must be certificated for public school nursing or for the grade level or levels in which such subjects are taught. It is recommended that public school health nurses—whether they teach hygiene and allied subjects or not—shall have had one year on a staff where qualified public health nursing supervision was given.

Nurses who do no teaching are not required to hold a teacher's certificate, but they must all be registered by the Iowa board of nurse examiners.

### Division IX

#### OTHER SERVICES

**19.19 (257) Certification.** Standards for many other services involving the characteristics expected of the teacher and offered by schools are not yet developed. However, every person having any planning or teaching function to perform in connection with these services is expected to hold a certificate valid for the level at which the service is rendered.

### CHAPTER 20

#### RECIPROCITY AGREEMENT OF CENTRAL STATES CONFERENCE OF STATE DEPARTMENTS OF EDUCATION 20.1 Form of agreement.

##### 20.1 (257) Form of agreement.

The state of.....hereby agrees, for a period of three years, beginning....., 19...., to issue certificates to applicants from all states which are signatory to this agreement on the following basis:

1. The processes involved in the issuance of certificates under reciprocity will be administered by the certification officials of the respective state departments of education.

2. Each teacher receiving a reciprocity certificate will have completed at least a four-year program of teacher education in a college or university recognized, approved, or accredited by the state department of education in the state in which the institution is located and by the National Council for Accreditation of Teacher Education at the time of completion of the program.

3. Each applicant shall have completed at least one year of successful teaching or eight semester hours' credit during the five-year period immediately preceding the date of application to be eligible for a reciprocity certificate.

4. Each applicant shall have completed a course in American history or government or some other course of equivalent content.<sup>1</sup>

<sup>1</sup>See section 13.15 for information regarding the temporary certificate which is available to otherwise qualified applicants who do not have credits in American history or government.

5. The reciprocity certificate issued shall be valid only for the area or areas of instruction, and at the level or levels of instruction, for which certification was granted by the state from which transfer is to be made.

Minimum field and subject requirements shall be as follows:

a. Twenty-four semester hours in the field, with six semester hours or its equivalent in the particular subject taught:

social science	industrial arts
English	home economics
science	health
business	physical education

b. Twenty-four semester hours in the field—no specific requirements in the subject:  
All fine arts other than music.

c. Twenty-four semester hours in the field—fifteen semester hours in the specific subject:  
All foreign languages.

d. Eighteen semester hours in the field—no requirement in the specific subject:  
All mathematics.

e. Forty-five semester hours in the field—no requirement in the specific subject:  
All music.

6. Each applicant shall have the favorable recommendation of the certification officer of the state from which transfer is made to be eligible for a reciprocity certificate.

7. Each teacher, in order to obtain a reciprocity certificate shall

a. Have met the requirements for certification in the state in which the program of teacher education is completed; or

b. Have taught successfully at least one year in the state from which transfer is being made after completing a four-year program of teacher education in any college approved under this agreement.

8. Certificates suspended or revoked in one state may, within the limits of legal authority, be suspended or revoked in all other states which are signatory to this agreement.

9. Each applicant for a reciprocity certificate shall comply with all requirements of the receiving state regarding filing of application, fees, age, citizenship, health and other similar requirements.

10. The reciprocity certificate shall be of a kind and for a term comparable to that granted regularly by the receiving state for the completion of a four-year program of professional preparation to teach classes other than subjects commonly classified as vocational. Emergency, temporary or other types of substandard certificates shall not be issued under the provisions of this agreement. This agreement does not include administrative positions (supervisors, principals, or superintendents).

11. When participating states have statutory or regulatory requirements which cannot be waived, it is understood that such

requirements shall not invalidate the other parts of this agreement, provided they do not exceed six semester hours of college credit.

Note: It is desirable in such cases to issue a temporary certificate, valid for one year, so that reasonable time will be allowed for the applicant to meet these requirements.

12. Whenever authorized officials from two or more states sign this agreement it shall become effective immediately in such states.

Date....., 19.....

(Signature, chairman, controlling board)

(Address)

and/or

(Signature, chief state school officer)

(Address)

CHAPTER 21

PROPER EXPENDITURE OF IMPROVEMENT OF INSTRUCTION FUNDS

- 21.1 Terms defined.
- 21.2 Reimbursable activities.
- 21.3 Nonreimbursable items.
- 21.4 Claims procedure.

To: County Superintendent of Schools.

Re: Proper Expenditure of Improvement of Instruction Funds.

21.1 (272) Terms defined. In setting up criteria for reimbursement of an improvement of instruction program, it seems logical to state what the term "Improvement of Instruction" shall be considered to mean.

21.1 (1) Improvement of instruction shall mean that, through the media listed below, teachers shall be so instructed that they in turn shall be expected to improve their own teaching in the classroom; that from this instruction they shall become more proficient in teaching techniques, in specific subject matter taught in their classrooms, in developing skills, in handling children, in organizing classrooms and classroom procedures, in using state handbooks, in making better and wider use of teaching materials, in wise selection of teaching materials, in remedial teaching programs, and in follow-up work after a testing program where testing was done for purposes of diagnosis and remedy.

21.1 (2) Improvement of instruction shall be differentiated from: Improvement of administration, improvement of organization, improvement of transportation.

21.1 (3) Improvement of instruction shall be differentiated from: Discussion of teachers' salaries, teachers' group insurance, recruitment of teachers, professional ethics, membership in professional organizations, legislation, or extra-curricular activities.

21.1 (4) Improvement of instruction shall be differentiated from: A testing program where tests are made purely for survey purposes to satisfy curiosity of local administrators or teachers.

21.1 (5) Improvement of instruction shall be differentiated from: Speeches of general inspiration, talks by sales persons, talks by representatives of local organizations (in general), and viewing moving pictures of a general recreational nature.

21.2 (272) Reimbursable activities.

21.2 (1) County institutes.

a. Multiple county institute directed by the department of public instruction.

b. County institute directed by the county superintendent after previous approval of the program by the department of public instruction.

21.2 (2) Study centers.

Directed by the county superintendent and under the leadership of competent speakers, or demonstrators, approved by the department of public instruction, and in which the subject matter shall be the curriculum handbooks prepared by the department of public instruction.

21.2 (3) Workshops.

Directed by the department of public instruction or the county superintendent, and under the leadership of persons previously approved by the department of public instruction for that work.

21.2 (4) Testing programs.

Directed by the county superintendent as a part of a countywide activity necessary for the proper conduct of a well defined remedial program of instruction.

21.2 (5) Supply of handbooks.

When purchase is necessary beyond the quota furnished free of charge by the department of public instruction.

21.2 (6) Miscellaneous.

Any activity or procedure which has previous approval of the supervisor concerned.

21.3 (272) Nonreimbursable items.

Recognizing that many of the following items may have definite value for teachers, it is yet felt necessary to exclude the expense connected with them from approval for reimbursement.

(1) Speakers on general inspirational themes.

(2) Speakers on topics of general information.

(3) Speakers on teachers' welfare, ethics, organization, or activities.

(4) Speakers at eighth grade commencement exercises.

(5) Speakers, group leaders, or demonstrators drawn from the group concerned with the meeting.

(6) Expenses of instructors to the county superintendents' conferences called by the state department of public instruction.

(7) Expenses of delegates, or the county superintendent, to any conference or meeting.

(8) Materials or literature supplied to the schools for general promotion of good schools.

(9) Any item the major nature of which is administrative.

(10) Tests for purely administrative purposes.

(11) Library or supplementary instructional books and supplies.

(12) Supplies used in a program conducted by the division of special education, or any other division which has its own budget set up for the conduct of its program.

(13) Any item not clearly and directly identified with improvement of instruction as defined above.

**21.4 (272) Claims procedure.**

For approval of programs and speakers, study center leaders or demonstrators, confer with the supervisor in charge of your area previous to any final or definite arrangement.

Under the regulations as established by the department all claims must be presented on proper blanks, to be supplied, itemized to show to whom the money was paid and for what service. Itemized claims must be approved by the supervisor.

**TITLE XII  
TRANSPORTATION  
CHAPTER 22  
SCHOOL TRANSPORTATION**

- DIVISION I  
DESIGNATIONS**
- 22.1 Area designations.
  - 22.2 Special designation.
  - 22.3 Changing designations.

- DIVISION II  
BUS ROUTES**
- 22.4 Intracounty routes.
  - 22.5 Intercounty routes.
  - 22.6 Bus route conflicts.

- DIVISION III  
COUNTY BOARD PROCEDURE**
- 22.7 Hearing on designations.
  - 22.8 Errors corrected.
  - 22.9 Change in designation.
  - 22.10 Instructions furnished.
  - 22.11 Map furnished.
  - 22.12 Patrons informed.

- DIVISION IV  
PRIVATE CONTRACTORS**
- 22.13 Contract required.
  - 22.14 Uniform charge.
  - 22.15 Board must be party.
  - 22.16 Contract with parents.
  - 22.17 Vehicle requirements.

- DIVISION V  
FINANCIAL RECORDS AND REPORTS**
- 22.18 Required charges.
  - 22.19 Estimated cost report.
  - 22.20 School-owned buses.
  - 22.21 Contract buses.
  - 22.22 Billing basis.
  - 22.23 Adjusted billings.
  - 22.24 Account corrected.
  - 22.25 Activity trips deducted.

- DIVISION VI  
TRANSPORTATION MAPS**
- 22.26 County superintendent.

- 22.27 Homes numbered.
- 22.28 Color coding.
- 22.29 Cross hatching.
- 22.30 Route markings.
- 22.31 Special designation coding.

- DIVISION VII  
USE OF SCHOOL BUSES**
- 22.32 Permitted uses listed.
  - 22.33 Teacher transportation.

- DIVISION VIII  
THE BUS DRIVER**
- 22.34 Driver qualifications.
  - 22.35 Stability factors.
  - 22.36 Driver age.
  - 22.37 Physical fitness.
  - 22.38 Tests for tuberculosis.
  - 22.39 Additional fitness requirements.
  - 22.40 Mental fitness.
  - 22.41 Vision requirements.
  - 22.42 Hearing requirements.
  - 22.43 Experience.
  - 22.44 Traffic law knowledge.
  - 22.45 Application form.
  - 22.46 Driving record.

- DIVISION IX  
PURCHASE OF BUSES**
- 22.47 Local board procedure.
  - 22.48 Financing.
  - 22.49 Purchase on installments.
  - 22.50 County board approval.
  - 22.51 Details of purchase procedure.

- DIVISION X  
MISCELLANEOUS REQUIREMENTS**
- 22.52 Annual inspection.
  - 22.53 Maintenance record.
  - 22.54 Drivers schools.
  - 22.55 Insurance.
  - 22.56 Contract—privately owned buses.
  - 22.57 Contract—district-owned buses.
  - 22.58 Accident reports.
  - 22.59 Railroad crossings.
  - 22.60 Stopping on highway.
  - 22.61 Civil defense projects.

**Division I  
DESIGNATIONS**

**22.1 (285) Area designations.**

**22.1 (1)** To avoid the necessity for making a new set of designations each July and to conform to the provisions of section 285.4, paragraph 3, it is necessary that designations be set up on a territorial basis.

**22.1 (2)** The designation form must carry a geographic description of the territory included, rather than a list of the homes involved. Home numbers may be included only when a section is split or divided between two or more receiving schools.

**22.1 (3)** When feasible, the designations shall be set up so as to avoid placing the boundary of the designation area on geographic section lines if a public, traveled road is involved. The area shall be clear cut with definite boundaries.

When the road situation, or the density of population and diversity of choice of school requires it, a designation area boundary line may be approved on a public road.

**22.1 (4)** Separate designation forms shall be used for high school and elementary areas. Use form TR-F-1 for the high school designations. Use form TR-F-2 for the elementary designations.

**22.1 (5)** Elementary designations are not to be made if the school in the district is open. If the school is closed by action of the board prior to July 15 of any year, the designation is to be made as provided in section 285.4, paragraph 2. If the school is closed after July 15, the designation is to be made as provided in sections 279.16, 279.17, and 285.4 of the Iowa Code.

**22.1 (6)** In ascertaining the wishes of the majority of the patrons in regard to the designations, the board shall count only those families with children of school age.

Only those families who are directly involved in the decision are to be counted.

The guiding principle shall be to satisfy the wishes of as many of the patrons as possible while providing a reasonable and legal transportation program.

A district may be split so that it is designated to two or more receiving schools.

**22.1 (7)** Distance between schools shall not be a major factor in determining the boundary of designation areas.

**22.2 (285) Special designation.**

**22.2 (1)** To further implement the principle stated in 6 above, the special designation (Form TR-F-3) has been set up to provide for families whose homes are in one designation area but who have been sending their children, in the past, to a school in another designation area. The special designation may also be considered by boards to provide for families with curricular or other problems which necessitate sending their children to a school other than that regularly designated.

**22.2 (2)** The special designation covers one family only and should list the family name and home number, also the names of the children.

**22.2 (3)** The special designation covers the family only during the time it remains in the home occupied at the time the designation is made. The home will revert to the original designation when the family moves away. Families moving from one home to another will be expected to send their children to the school to which the new home is designated if transportation aid is desired.

**22.2 (4)** Special designations are to be considered only upon the request of the family or board involved.

**22.2 (5)** Where bus transportation is available the special designation should be limited to homes which are within three-fourths of a mile of the bus route because of the extra expense involved. However, a family may waive the right to compensation for transporting their children beyond three-fourths of a mile to meet a bus.

**22.2 (6)** Designation areas shall be set up

so as to require the least possible number of special designations. It is generally not necessary to have special designations on the extreme border of the designation area. Place the boundary line to include these families whenever it can be done without causing bus route difficulties.

**22.2 (7)** Four copies of each designation, both area and special, are to be made up. After official county board action has been taken all copies are to be forwarded to the department of public instruction.

**22.3 (285) Changing designations.**

**22.3 (1)** Either local boards or parents may request a change in existing designations to be effective at the beginning of the next fall term.

**22.3 (2)** Before making a request to the county board for a change the local board shall determine the desires of all the parents of children of school age in the area of proposed change. A majority of the parents concerned must desire the change.

**22.3 (3)** When parents desire a change of designation they may make written request for the change, on or before July 5, to the president of the local board, stating their reasons for making the request. All interested parents should sign the request.

**22.3 (4)** Parents should be encouraged to take all problems regarding change of designation to their local board of education. If the local board fails to act by July 10, the parents shall file the request for a change directly with the county board on or before July 15.

**22.3 (5)** The local board, in considering the request for change, shall meet in session and permit all parents to be affected by the change to attend the meeting. After all facts have been heard the local board shall either grant or deny the request. The decision must be made on facts presented and must be in accord with legal requirements and restrictions.

The local board shall certify action taken to the county board on or before July 15.

**22.3 (6)** Solicitation by school officials or their representatives in territory designated to another school is prohibited. Parents are to be given opportunity to express their wishes but shall not be subjected to direct solicitation or pressure from outside groups. Requests for changes in designations which come about because of solicitation shall not be approved.

**Division II  
BUS ROUTES**

**22.4 (285) Intracounty routes.**

**22.4 (1)** Bus routes within the boundaries of transporting districts as well as within designated areas must be as efficient and economical as possible under existing conditions. Duplication of service facilities shall be avoided insofar as possible.

**22.4 (2)** A route shall provide a load of at least seventy-five percent capacity of the bus.

**22.4 (3)** An official route shall not be so long as to require a high school pupil to ride

on the bus more than seventy-five minutes, nor an elementary pupil more than fifty minutes. (These limits may be waived upon request of the parents.)

**22.4 (4)** Pupils whose residence is within two miles of a bus route are within the area served by the bus and are not eligible for parent or private transportation at public expense, to the school served by the bus, except as follows:

a. Bus is fully loaded.

b. Physical handicap makes bus transportation impractical.

**22.4 (5)** Transporting districts shall arrange routes to provide the greatest possible convenience to the pupils. Distance pupils who are required to transport themselves to meet the bus shall be kept to the minimum consistent with road conditions, uniform standards and legal requirements for locating bus routes.

**22.4 (6)** Bus routes shall not be approved for a school district when such approval will encompass an area within which all students and their parents desire to attend another school, provided that the chosen school can serve the area efficiently.

**22.4 (7)** A bus route may not be extended outside the designated area to give service to a pupil covered by special designation when such extension will cause duplication with the approved route of the other school operating in its own designated area.

**22.4 (8)** In emergency situations, or when road conditions require it, a bus route may be approved temporarily to pass through a portion of an adjoining designation area, provided duplication of bus routes is not caused thereby. Such approval shall be considered very carefully and given only if clearly indicated by the situation. Approval shall be indicated on the bus route map by a broken line.

**22.4 (9)** Transporting school districts shall file application for approval of bus routes with the county board of education not later than August 5.

Such application shall include a written geographical description of the route and a map of the area with the requested route plainly shown thereon. A list of the pupils to be transported, with house numbers and the township in which the homes are located, shall accompany the application. Four copies of estimated cost of transportation (TR-13) should also be submitted.

#### **22.5 (285) Intercounty routes.**

**22.5 (1)** The superintendent of the transporting school district shall submit application for intercounty bus route on form TR-F-22 to his home county superintendent and board of education. The application shall be submitted in quadruplicate and shall include a map of the area accurately picturing the proposed route. Application shall be filed not later than August 5.

**22.5 (2)** Joint consultation shall then be held by the county boards involved. The initial steps may be undertaken by the county superintendents. If there are no difficulties and agreement is reached, the route is approved and no further action need be taken.

**22.5 (3)** If agreement is not reached in the initial attempt the superintendent of the county in which the applying school is located shall advise the superintendent of reasons for failure to reach agreement and request that he revise the application to meet the objection and resubmit same.

**22.5 (4)** If the county boards do not reach agreement on the route, the home county superintendent shall forward complete record of the case together with disapproved application to the state department of public instruction. Every effort should be made, however, to settle the matter locally.

**22.5 (5)** All legal provisions, standards and regulations applying to approval and operation of bus routes apply equally to intercounty bus routes.

**22.5 (6)** All intercounty bus routes must be approved each year. If there has been no change in the designations, nor in the proposed route, application may be made and agreement indicated by letter.

#### **22.6 (285) Bus route conflicts.**

Bus route controversies shall be settled with reference to the designation area. Except as stated above, bus routes shall not be approved outside the designated area. Pupils covered by special designation will be expected to meet the bus as provided above.

### **Division III COUNTY BOARD PROCEDURE**

**22.7 (285) Hearing on designations.** After receipt of petition from parents requesting change in designation or after receipt of notice of action taken by local boards on request for change of designation, the county board shall set a date for a hearing. All parents and the local board involved should be permitted to be present for the discussion.

After completion of the hearing the county board shall render the decision and notify all parties concerned of the decision within three days of the hearing.

**22.8 (285) Errors corrected.** In areas where corrections are necessary due to errors in the original designations the county board may initiate procedure for making necessary changes. The resulting designation must, however, be in accordance with legal requirements and regulations.

**22.9 (285) Change in designation.** When a change in the designation is approved by the county board, new designations conforming to the new division lines shall be made up.

A note should be attached to the four copies forwarded to the division of transportation listing designations which are superseded and which should be removed from the files.



**22.10 (285) Instructions furnished.** The county superintendent shall supply all school district officials and other interested parties with detailed instructions and information covering procedure to be followed in setting up designations and in affecting changes in designations.

**22.11 (285) Map furnished.** The county superintendent shall supply each district with a map showing designation areas.

**22.12 (285) Patrons informed.** The county superintendent shall make diligent efforts to acquaint all patrons of the county with the details of the transportation program.

#### Division IV PRIVATE CONTRACTORS

**22.13 (285) Contract required.** All private individuals wishing to transport public school pupils to and from public school in privately owned vehicles must be under contract with the board of education. This will not apply to parents who transport their own children only.

The contract form used shall be that provided by the department of public instruction. (Form TR-F-4-497)

**22.14 (285) Uniform charge.** The contract must provide for a uniform charge for all pupils transported. No differentiations may be made between pupils of different districts except as provided in section 285.1, subsection 12.

**22.15 (285) Board must be party.** The contractor may not arrange with individual families for transportation. The contractor undertakes to transport only those families indicated by the board of education.

**22.16 (285) Contract with parents.** Parents undertaking to transport other children in addition to their own, are private contractors. These parents must be under contract, and must obtain a chauffeur's license and a school bus driver's permit.

**22.17 (285) Vehicle requirements.** Any vehicle used, other than that used by a parent to transport his own children only, is considered to be a school bus and must meet all requirements set up for the type of vehicle used. (This is not intended to restrict the use of passenger cars during the time they are not actually engaged in transporting public school pupils.)

#### Division V FINANCIAL RECORDS AND REPORTS

**22.18 (285) Required charges.** Full pro rata costs must be charged and collected for the transportation of all nonresident pupils. No differentiation may be made in charges due to differences in distance or grade in school.

**22.19 (285) Estimated cost report.** Form TR-F-13, estimated cost of transportation, must be compiled by transporting districts each year. The form shall be completed in quadruplicate and forwarded to the county superintendent with application for approval of bus route.

After the county board has officially acted upon the report, all four copies are to be forwarded to the department of public instruction.

**22.20 (285) School-owned buses.** All data indicated on Form TR-F-13 must be supplied for school-owned buses.

Contingent expense should in no case be estimated at less than one hundred dollars per bus. For older buses this item should be as high as four hundred dollars.

**22.21 (285) Contract buses.** In case buses are privately owned, only the amount of the contract need be given. This shall be entered in the space provided for driver's salary.

**22.22 (285) Billing basis.** Transportation bills must be based on the current year's costs.

**22.23 (285) Adjusted billing.** The bill to the sending district covering the first semester shall be based on the estimated cost and the estimated amount of state reimbursement.

The bill to the sending district covering the second semester shall be based on the actual cost and the estimated amount of state reimbursement.

The second semester bill must, therefore, make the necessary adjustment arising from any variations between the estimated cost used in the first semester bill and the actual cost as determined at the end of the second semester.

**22.24 (285) Account corrected.** As soon as the actual amount of state reimbursement is known a transporting district may make the necessary corrections in accounts by means of a credit to the sending district on the next transportation bill if the charge was too high or by adding the amount the sending district owes if the charge was too low.

**22.25 (285) Activity trips deducted.** Transporting school districts which use their equipment for activity trips or educational tours must deduct the cost of such trips from the total yearly transportation bill. In other words, such costs may not be included in the pro rata costs which determine the charge to sending districts.

Accurate and complete accounting records must be kept so that the cost of transportation to and from school may be ascertained.

#### Division VI TRANSPORTATION MAPS

**22.26 (285) County superintendent.** Each county superintendent is responsible for providing up-to-date transportation maps each year to the various districts in the county and to the state department of public instruction.

The regular Iowa highway commission road maps drawn on a scale of one inch to the mile should be used.

**22.27 (285) Homes numbered.** All homes in the county outside of incorporated towns and villages shall be numbered.

**22.28 (285) Color coding.** Designation areas shall be blocked out in light color, using con-

trasting colors for adjacent areas. All territory outside of high school operating districts shall be included.

**22.29 (285) Cross hatching.** Elementary districts in which the school is open may be indicated on the map by light cross hatching with lines about one-fourth inch apart.

**22.30 (285) Route markings.** All bus routes shall be clearly marked as approved by the county board. The same color shall be used as for the designation area in which the bus operates.

**22.31 (285) Special designation coding.** Special designations may be indicated by a circle around the home and an arrow pointing to the area in which the school attended is located.

#### Division VII USE OF SCHOOL BUSES

**22.32 (285) Permitted uses listed.** School buses may be used to transport pupils under the following conditions:

**22.32 (1)** The program is a part of the regular or extra-curricular program of a public school and has been so adopted and made a matter of record in the minutes of all the boards involved.

**22.32 (2)** The pupils are enrolled in a public school.

**22.32 (3)** The program or activity must be sponsored by a school or group of schools co-operatively and be under the direct control of a qualified teacher or recreational or playground director of some school district.

*a.* A regularly certificated teacher must be in charge of the program. Several or all schools may engage the same instructor on a co-operative basis.

*b.* In transporting pupils to Red Cross swimming classes a superintendent of schools may be designated by his own board as the supervisor or director of the activity and may use the Red Cross instructor to carry on the actual instruction in swimming.

*c.* If the Red Cross instructor holds a regular teacher's certificate issued by the board of educational examiners, he can be named as general supervisor of the activity by the several schools.

**22.32 (4)** The bus shall be driven by a regularly approved driver holding a chauffeur's license and a school bus driver's permit. In addition thereto, the buses must be accompanied by a member of the faculty of said school who will be responsible for the conduct and general supervision of the pupils on the bus and at the place of the activity. If the faculty member is an approved driver he can act both as a driver and faculty sponsor.

**22.33 (285) Teacher transportation.** Public school teachers who are transported should be included in the average number transported and should be charged the pro rata cost by the transporting district.

The teachers should be included in the list of pupils transported, form TR-F-20-4, and the number of weeks the teacher was transported included in the nonreimbursable column.

#### Division VIII THE BUS DRIVER

**22.34 (285) Driver qualifications.** General character and emotional stability are qualities which must be given careful consideration by boards of education in the selection of school bus drivers.

**22.34 (1)** Elements that should be considered in setting a character standard are:

- a.* Reliability or dependability
- b.* Initiative, self-reliance, and leadership.
- c.* Ability to get along with others.
- d.* Freedom from use of undesirable language.
- e.* Personal habits of cleanliness.
- f.* Moral conduct above reproach.
- g.* Honesty.
- h.* Freedom from addiction to narcotics or habit-forming drugs.
- i.* Freedom from addiction to alcoholic beverages or liquors.

**22.35 (285) Stability factors.** Factors to be considered in determining emotional stability are:

- 22.35 (1)** Patience.
- 22.35 (2)** Considerateness.
- 22.35 (3)** Even temperament.
- 22.35 (4)** Calmness under stress. [Amended June 2, 1961]

**22.36 (285) Driver age.** School bus drivers must be at least sixteen years of age, and not more than sixty-five years of age as of August 1 preceding the opening of the school year. The department of public instruction may, at its discretion, waive the upper age limit upon application of the board of education and receipt of evidence of satisfactory physical condition of the driver.

**22.37 (285) Physical fitness.** Applicants for the school bus driver's permit must submit signed physician's statement indicating physical fitness as follows:

**22.37 (1)** Sufficient physical strength to operate the bus effectively.

**22.37 (2)** Possession of full and normal use of both hands, both arms, both feet, and both legs. Amputation of an arm or foot will disqualify the applicant. Amputation of more than two fingers of the hand will disqualify the applicant. In other words, the applicant should have one complete hand, and the thumb and at least two fingers of the other hand to qualify. Individual evaluations will be made for applicants who have parts of fingers missing.

**22.37 (3)** Freedom from any communicable disease, such as tuberculosis.

**22.38 (285) Tests for tuberculosis.****22.38 (1) *New appointees.***

Bus drivers who are new appointees are to take the intradermal tuberculin test or have a chest x-ray. If the intradermal tuberculin test is negative, the x-ray film is not necessary. If the tuberculin test is positive, an x-ray must be taken. Candidates whose chest x-rays show any active form of tuberculosis will be rejected.

**22.38 (2) *Candidates for reappointment.***

a. Bus drivers who have taken the intradermal tuberculin skin test only at any time prior to the six-months period preceding September 1 of the school year for which the permit is to be issued must be retested. For example, a driver who had an intradermal tuberculin skin test on February 15, 1961, must be retested if he applies for a 1961-1962 permit. If this test was taken on or after March 1, 1961, and the result was negative, the applicant would not have to be retested.

b. Bus drivers who have had a negative chest x-ray within the 16 months preceding September 1 of the school year for which the permit is to be issued are not required to be retested. For example, a driver who had a negative chest x-ray on or after May 1, 1960, would not have to be retested if he applied for a permit covering the 1961-1962 school year. If he had taken the x-ray prior to May 1, 1960, then he would be required to be retested.

c. The drivers may take either the intradermal tuberculin test or a chest x-ray film. However, if the tuberculin test is positive, the x-ray must then be taken.

**22.39 (285) Additional fitness requirements.** Freedom from mental, nervous, organic, or functional diseases such as epilepsy, paralysis, insanity, diabetes, abnormal blood pressure, heart ailments or any disease that may cause a tendency to fainting. Blood pressure in excess of 170 (systolic) and 100 (diastolic) taken in a sitting position will disqualify the applicant in the absence of a qualified physician's recommendation and satisfactory statement covering significance of high pressure.

**22.40 (285) Mental fitness.** The driver must be mentally alert and of at least normal intelligence.

**22.41 (285) Vision requirements.** The driver must have at least 20/40 vision in each eye, either normally or after correction. If one eye is near normal, visual acuity within the limits of 20/100 in the other eye is permissible. If glasses are required to bring the vision within above limits, the glasses must be worn at all times when driving the bus. Persons with tunnel or barrel vision may not be used. The driver must have near normal depth perception. Color blindness in a driver is undesirable.

**22.42 (285) Hearing requirements.** The driver must have sufficient hearing in both ears

to be able to hear sirens, whistles, warning bells, signals, and other sounds related to safe operation of school buses. Applicant must meet this requirement without the use of a hearing aid. [Amended June 2, 1961]

**22.43 (285) Experience.** Experience in driving large vehicles, such as trucks or buses, is essential. When student drivers who have not had this experience are selected, the administration must see that they are given this experience in the operation of the school bus before permitting them to transport pupils.

**22.44 (285) Traffic law knowledge.** A thorough knowledge of traffic laws and regulations shall be required of all drivers.

**22.45 (285) Application form.** The school bus driver and the board of education shall submit signed application for the permit upon forms prescribed by the department of public instruction.

**22.46 (285) Driving record.** No driver should be employed until the board has assured itself that the applicant has an acceptable driving record. [Amended June 2, 1961]

**Division IX  
PURCHASE OF BUSES**

**22.47 (285) Local board procedure.** The board of education shall proceed as follows in purchasing school buses:

**22.47 (1)** Obtain a letter of approval of purchase from county board when required.

**22.47 (2)** Use separate specification and bid request sheets. (The statutes require body and chassis to be bought on separate contracts.)

**22.47 (3)** Notify at least four body and four chassis dealers of intent to purchase school transportation equipment and request bids.

**22.47 (4)** Reserve right to reject all bids.

**22.47 (5)** Require all bids to be on comparable equipment which meets all state requirements and is on list of equipment listed as meeting said requirements.

**22.47 (6)** Hold an open meeting for dealers to present merits of their equipment.

**22.47 (7)** Review bids, tabulate all bids, make a record of action taken.

**22.47 (8)** Sign separate contracts or orders for purchase of body and chassis. Purchase agreement must provide that dealer will deliver equipment which will pass initial state inspection at no further cost to school and further provide that school board shall withhold at least one hundred fifty dollars until vehicle passes initial state inspection.

**22.47 (9)** Notify the state department of public instruction, division of transportation, of purchase and date of delivery so that arrangements can be made for initial inspection. No vehicle can be put into service until in-

spected, approved, and a seal of approval issued.

22.48 (285) **Financing.** The board of education may finance purchase of transportation equipment as follows:

22.48 (1) The board may pay all of the cost of each bus from funds on hand in general fund.

22.48 (2) Bonds may be voted to purchase equipment, and funds so derived shall be used for that purpose.

22.49 (285) **Purchase on installments.** The board may purchase buses on contracts:

22.49 (1) Contracts for that purpose must be made in duplicate for the purchase of both chassis and bus body. A copy of the resolutions of the board for the purchase of said equipment should be included in the contract. Said contract must provide that at least one-fourth of the cost will be paid on delivery and the balance paid in not to exceed five equal installments on the dates specified with accrued interest due at a rate not to exceed four percent. The number and date of each warrant with the date of payment shall be stated in the contract.

22.49 (2) Warrant for down-payment shall be issued when the bus is delivered and shall be cashed at once. No more than five additional warrants, covering the cost of each vehicle purchased, for not to exceed one-fifth of the balance due and the date of payment on each vehicle, shall be issued at the time of purchase. These additional warrants shall be presented to the treasurer of the district and indorsed "not paid for lack of funds" and shall draw interest at the rate agreed upon but not to exceed four percent. Copies of contracts and a letter of approval from the county board of education for the purchase of bus body and chassis shall be delivered to any bank or person who purchases said warrants and the holder shall present said warrant to the board for payment on the date due as provided in the contract. (See attorney general's opinion of July 25, 1949, to superintendent of public instruction.)

22.50 (285) **County board approval.** Form TR-F-17-4912 shall be used when county board approval is required. If bus is to be paid for over a period of five years, eleven copies of TR-F-17-4912 are necessary.

22.51 (285) **Details of purchase procedure.**

22.51 (1) If the contract provides for buying the bus over a five-year period, the board of education will issue six copies of form TR-F-19-4911 per body, and six copies of form TR-F-19-4911 for chassis. One copy each of contract for body and chassis shall be kept for the secretary's files.

22.51 (2) Secretary shall issue necessary warrants for meeting terms of contract. At least one warrant must be drawn for the one-

fourth down-payment on body and one for the one-fourth down-payment on chassis and not more than five equal warrants drawn for the annual payments on body and not more than five equal warrants drawn for annual payments on chassis.

22.51 (3) Said warrants must be drawn in favor of the firm or company selling the respective body and chassis.

22.51 (4) Each warrant must have one copy of the contract and one copy of county board approval attached.

22.51 (5) Said warrants with contract attached must be presented to treasurer of school district who will stamp said warrants as follows:

"Not paid for lack of funds"  
This warrant to be presented  
for payment on ..... 19...  
or when called for payment.

.....  
Treasurer, School District

22.51 (6) The person or company who receives these warrants may sign them over to any bank or person with or without recourse as follows:

Pay to the order of  
.....  
(Name of bank or person)  
with or without recourse.

.....  
(Name of payee)

22.51 (7) Banks or individuals may accept these warrants as herein provided.

**Division X**

**MISCELLANEOUS REQUIREMENTS**

22.52 (285) **Annual inspection.** To facilitate the annual inspection program required by statute school district officials shall send their buses to inspection centers as scheduled. The buses shall be driven to and accompanied through the inspection by the regular drivers.

22.53 (285) **Maintenance record.** As a part of the annual inspection program school district officials shall cause the chassis of all buses, whether publicly or privately owned, to be inspected and all necessary repairs made before the opening of the school term each fall. The inspection and repairs shall be recorded on forms prescribed by the department of public instruction. The completed form shall be signed by the mechanic and carried in the glove compartment of the bus.

22.54 (285) **Driver schools.** All school bus drivers shall attend classes or schools of instruction when held by the state department of public instruction.

22.55 (285) **Insurance.** The board of education shall carry insurance on all school owned buses and see that insurance is carried by all contractors engaged in transporting pupils for the district as follows:

22.55 (1) Fire-theft-windstorm-comprehensive insurance should be carried on each bus.

**22.55 (2) Liability insurance.** Since bus drivers can be sued for damages for which they are directly responsible, no driver should drive a bus unless fully covered by liability insurance. Since drivers often change during the year, the board of education shall carry insurance on all buses written to protect all approved drivers. Insurance should be carried in the amount of \$100,000-\$300,000 liability and \$10,000 property damage. [Amended April 30, 1962]

**22.55 (3) Medical care, hospitalization, etc.** Since liability insurance does not cover accidents to children caused by other vehicles or from other causes not resulting from carelessness, etc., of the driver of the school bus, medical pay insurance in the amount of at least five hundred dollars per pupil shall be carried.

Both liability and medical care insurance should be bought only for school term of nine months except that if one of the buses is to be used for approved summer activities, insurance for twelve months should be purchased. Collision insurance is not recommended and cannot be charged to cost of transportation.

**22.55 (4)** The Iowa school bus indorsement shall be a part of all school bus policies.

**22.56 (285) Contract—privately-owned buses.** The board of education and a contractor who undertakes to transport public school pupils for the board, in privately owned vehicles, shall sign the official contract prescribed by the department of public instruction. The contract shall contain the following provisions:

**22.56 (1)** To furnish and operate at his own expense a legally approved vehicle of transportation (or a legally approved chassis on which may be mounted a school bus body supplied and maintained by the board of education) to and from the ..... school each day beginning on the date set by the board over route as described, .....

..... transporting only children attending public school designated by the party of the second part.

**22.56 (2)** To comply with all legal and established uniform standards of operation as required by statute or by legally constituted authorities.

**22.56 (3)** To comply with all uniform standards, established for protection of health and safety for pupils transported.

**22.56 (4)** To comply with all rules and regulations adopted by the board of education for the protection of the children, or to govern the conduct of driver of bus.

**22.56 (5)** To keep bus in good mechanical condition and up to standards required by statutes or by legally constituted authorities.

**22.56 (6)** To take school bus to official inspection when held by state authorities with no additional expense to party of second part.

**22.56 (7)** To see that the bus is swept and the windows cleaned each day and that registration plates and all lights are cleaned before each trip. Further, that the bus is washed and the floor swept and scrubbed with a good disinfectant each week. In case of an epidemic he shall wash entire bus with a disinfectant.

**22.56 (8)** To drive the bus himself or to use only drivers and substitute drivers who have been approved by the board of education and have received school bus driver permits.

**22.56 (9)** To furnish the board of education an approved certificate of medical examination for each person who is approved by the board of education to drive the bus.

**22.56 (10)** To attend one county or regional school of instruction for bus drivers when called by state department of public instruction, division of transportation. (If owner does not drive the bus, the regular approved driver of bus shall attend.)

**22.56 (11)** To carry insurance on bus and pupils with Iowa indorsement as part of policy. As follows: Liability \$10,000-\$100,000; Property damage \$5,000 and Medical care \$500 per pupil. Copy of policy to be filed with superintendent of schools.

**22.56 (12)** To make such reports as may be required by state department of public instruction, county board of education, and superintendent of schools.

**22.56 (13)** That the school bus shall be used only for transporting regularly enrolled students to and from public school and to extra-curricular activities approved and designated by the board of education and further to comply with all legal restrictions on use of bus.

**22.56 (14)** To obtain, if possible, the registration numbers of all cars violating the school bus passing law, section 321.372, Code 1950, and file information for prosecution.

**22.56 (15)** Party of second part hereby reserves the right to change routing of the bus and if additional mileage is required it shall be at an extra cost not exceeding \$..... per additional mile per month. If shortened .....

**22.56 (16)** The use of alcoholic beverages or immoral conduct by party of the first part shall automatically cancel this contract as provided in section 321.375.

**22.56 (17)** Contract may be terminated on ninety-day notice by either party, section 285.5(4).

**22.56 (18)** Party of first part agrees that, in case he desires to terminate the contract he will sell his school bus to the board of education at their request as provided in Code of Iowa section 285.5(1). (Does not apply to passenger auto used as school bus.)

**22.56 (19)** It is further agreed that party of second part reserves the right to withhold

and retain as property of the board of education two weeks salary pending complete compliance with terms of contract or for being avoidably late.

**22.57 (285) Contract — district-owned buses.** The board of education and a private individual undertaking to transport public school pupils for the board in school district owned vehicles shall sign the official contract prescribed by the state department of public instruction. The contract shall contain the following provisions:

**22.57 (1)** To conform to all rules of the board of education in and for said district adopted for the protection of the children and to govern the conduct of the person in charge of said conveyance.

**22.57 (2)** To make such reports as may be required by the state department of public instruction, county board of education, or superintendent of schools.

**22.57 (3)** To conform to all standards for operation of the school buses as required by statute or by legally constituted authorities.

**22.57 (4)** To take bus to school bus inspections when held under auspices of the division of transportation, department of public instruction, without further cost to the board.

**22.57 (5)** To attend a county or regional school of instruction for bus drivers when called by the state department of public instruction, division of transportation.

**22.57 (6)** That the party of the second part can terminate this contract and dismiss the party of the first part for any inattention to duty, use of intoxicating liquors, immoral conduct, incompetency, or for any other good cause.

**22.57 (7)** That this contract shall not be in force until driver presents official school bus driver permit.

**22.58 (285) Accident reports.** The superintendent of schools shall make a report to the division of transportation, department of public instruction, on any accident involving any vehicle in use as a school bus. The driver of the bus shall co-operate with the superintendent in making such report. The report shall be made on the department of public safety Form D-48, "Driver's Confidential Report of Motor Vehicle Accident, State of Iowa."

**22.59 (285) Railroad crossings.** The driver of any school bus shall bring the bus to a complete stop at all railroad crossings, as required in section 321.343, Code of Iowa 1950, regardless of whether or not there are any pupils in the bus, and regardless of whether or not there is an automatic signal at the crossing.

**22.60 (285) Stopping on highway.**

**22.60 (1)** A school bus shall not stop to load or unload pupils at any point on a primary highway where the clear vision distance

in either direction is less than one thousand feet.

**22.60 (2)** On a secondary highway the clear vision distance shall be at least seven hundred feet in each direction.

**22.60 (3)** No scheduled stop shall be made in a "no passing" zone.

**22.61 (285) Civil defense projects.** Civil defense projects may be recognized by the board of directors of any school district as an authorized extracurricular activity under the following conditions:

**22.61 (1)** Such activity may take the form of, but need not be restricted to:

a. First aid classes.

b. Study and distribution of materials relating to community survival, fall-out shelters, radiation detection, and other pertinent disaster measures.

c. Exercises and field trips related to the above matters.

d. Co-operation with local, state, and national authorities, both civil and military, and interested organizations, in carrying out civil defense exercises and in planning and making preparations for passive defense in time of actual emergency.

**22.61 (2)** The use of school buses for field trips and exercises, and the planned use of school buses in connection with actual emergency procedures to be carried on in co-operation with local, state, or national authorities, civil or military, is hereby defined as properly incident to such authorized extracurricular activity.

**22.61 (3)** All such projects, except an actual emergency operation where time is of the essence, shall have prior approval of the state department of public instruction.

**22.61 (4)** The bus shall be driven by an approved driver holding a chauffeur's license and a regular school bus driver's permit except that in actual emergency situations, where regular drivers are not available, certain other drivers, including students and teachers, may be used providing the following conditions are met:

The driver shall:

a. Be approved by the local board of education.

b. Be at least sixteen years of age and not more than sixty-five years of age, be physically and mentally competent, and not possess personal or moral habits which would be detrimental to the best interests of the safety and welfare of the children transported.

c. Have an emergency school bus driver's permit issued by the state department of public instruction.

**22.61 (5)** To qualify for this special permit, the applicant must pass a physical examination which shall indicate the following:

a. Sufficient physical strength to handle the bus with care.

b. Possession of full and normal use of both hands, both arms, both feet, and both legs. Amputation of an arm or foot will disqualify the applicant. Amputation of more than two fingers of the hand will disqualify the applicant. In other words, the applicant should have one complete hand, and the thumb and at least two fingers of the other hand to qualify. Individual evaluations will be made for applicants who have parts of fingers missing.

c. Freedom from mental, nervous, organic, or functional disease such as epilepsy, paralysis, insanity, diabetes, abnormal blood pressure, heart ailments or any disease that may cause a tendency to fainting. Blood pressure in excess of one hundred seventy (systolic) and one hundred (diastolic) taken in a sitting position will disqualify the applicant in the absence of a qualified physician's recommendation and satisfactory statement covering significance of high pressure.

d. At least 20/40 vision in each eye, either normally or after correction. If one eye is near normal, visual acuity within the limits of 20/100 in the other eye is permissible. If glasses are required to bring the vision within above limits, the glasses must be worn at all times when driving the bus. Persons with tunnel or barrel vision may not be used. The driver must have near normal depth perception. Color blindness in a driver is undesirable.

e. Sufficient hearing in both ears to be able to hear sirens, whistles, warning bells, signals, and other sounds related to safe operation of school buses. Applicant must meet this requirement without the use of a hearing aid. [Filed and indexed July 12, 1962]

## CHAPTER 23

### THE SCHOOL BUS

23.1 Requirements for manufacturers.

23.2 The school bus chassis.

23.3 The school bus body.

23.4 Passenger cars.

#### 23.1 (285) Requirements for manufacturers.

In order to protect both the boards of education and distributors from misunderstanding and confusion, all manufacturers shall:

23.1 (1) Submit specifications to division of transportation, department of public instruction, for all models of equipment that are to be offered for sale in Iowa. Notice of approved equipment will be made available to all schools. Certification of models as approved will be given to manufacturers.

23.1 (2) File with transportation a statement of list price of approved models including equipment needed to meet state requirements.

23.1 (3) On special equipment obtain approval of state department of public instruction before using on or in buses. This shall apply to such special equipment as:

a. First aid kits.

b. Fire extinguishers.

c. Flashing stop warning lights and switch.

d. Directional signal lights.

e. Stop signal arm.

f. Assistor brake equipment.

g. Heaters.

h. Reflectors.

23.1 (4) Be sure buses are bought according to established procedures and legal provisions for purchasing school transportation equipment.

#### 23.2 (285) The school bus chassis.

23.2 (1) *Air cleaner.* Bus shall be equipped with adequate oil-bath or dry-element type air cleaner mounted outside passenger compartment.

23.2 (2) *Axles.* Front axle or other type of suspension assembly shall be of sufficient capacity at ground to support such load as would be imposed by gross vehicle weight ten percent in excess of actual gross vehicle weight as defined under Power or grade ability formula. (See Power Section.)

23.2 (3) *Rear axle.* Rear axle shall be full-floating type. Rear axle or other type of suspension assembly shall have gross weight rating at ground equal to or exceeding that portion of total load which is supported by rear suspension assembly.

23.2 (4) *Two-speed axle.* Two-speed rear axles are recommended for forty-eight or larger capacity buses. If installed, engine must have sufficient power to meet grade ability requirements. [Amended June 2, 1961]

23.2 (5) *Rating.* Chassis manufacturer's rating for each axle on each model used in school buses shall be sent in duplicate to Department of Public Instruction, State Office Building, Des Moines, Iowa.

23.2 (6) *Exception—transit and metropolitan vehicle axles.*

a. Front axle shall be wide-track, heavy duty bus type, and shall have gross weight rating at ground equal to or exceeding that portion of total load which is supported by front axle.

b. Rear axle shall be full-floating, heavy duty bus type, and shall have gross weight rating at ground equal to or exceeding that portion of total load which is supported by rear axle.

c. Same as subsection 5 above.

23.2 (7) *Battery.* a. Storage battery, as established by manufacturer's rating, shall be of sufficient capacity to care for starting, lighting, signal devices, heating, and other electrical equipment.

b. No bus shall be equipped with a battery of less than seventy ampere hours at twelve volts measured at twenty-hour rate except that two six-volt, one hundred ampere, batteries wired in series are permissible. [Amended June 2, 1961]

c. Battery shall be mounted outside passenger compartment, preferably under hood, in an adequate carrier, and be readily accessible for servicing and removal from outside passenger compartment.

**23.2 (8) Brakes.** a. Four-wheel brakes, adequate at all times to control bus when fully loaded, shall be provided.

b. Foot or service brakes shall, at all times, be capable of stopping complete unit (i.e., wet chassis weight, plus body weight, plus driver's weight, without pupils) from speed of twenty miles per hour in not more than thirty feet, such distance to be measured from point at which movement of service brake pedal or control begins. Tests for stopping distance shall be made on substantially level (not to exceed plus or minus 1 percent grade), dry, smooth, hard surface that is free from loose material.

c. (1) Chassis shall be equipped with auxiliary brake capable of locking rear wheels and capable of holding vehicle on any grade on which it is operated under any conditions of loading on a surface free from snow or ice. Operating controls of such auxiliary brake shall be independent of operating controls of service brakes.

(2) Under test conditions outlined in Item "b" above, auxiliary brake shall be capable of stopping vehicle from speed of twenty miles per hour in measured distance of fifty feet.

d. Chassis designed for any bus body of thirty-six or greater basic pupil load shall be equipped with full compressed air brakes, vacuum actuated power or assistor type brakes, or compressed-air-over-hydraulic brakes. [Amended June 2, 1961]

(1) Such installation shall be made by authorized representative of chassis or brake manufacturer and shall conform to recommendation of that manufacturer.

(2) Hydraulic line pressure shall not exceed recommendation of chassis or brake manufacturer.

(3) Reservoir capacity shall be at least sixteen hundred fifty cubic inches for full compressed air systems, and at least one thousand cubic inches for vacuum actuated systems and for compressed-air-over-hydraulic systems.

(4) Buses having full compressed air systems shall be equipped with

(a) At least two reservoirs (or one vessel divided into two compartments) connected in series. [Amended June 2, 1961]

(b) Safety valve mounted on first reservoir to protect air brake system against excessive air pressure, and check valve mounted in optional location.

(c) Air gauge mounted on instrument panel to register air pressure in air brake system.

(d) Audible low pressure indicator

to warn driver if air pressure in air brake system falls below sixty pounds per square inch.

(5) Buses having vacuum actuated or compressed-air-over-hydraulic systems shall be equipped with check valve located between source of supply and reservoir.

e. All new installation of vacuum or assistor type brakes on old equipment now in use must be of type recommended by manufacturer of said chassis.

**23.2 (9) Bumper, front.** [321.373(12)] a. Front bumper shall be furnished by chassis manufacturer as part of chassis.

b. Front bumper must extend to outer edges of fenders at bumper top line (to assure maximum fender protection) and be of sufficient strength to permit pushing vehicle of equal gross weight without permanent distortion to bumper, chassis, or body. [Amended June 2, 1961]

c. *Exception*—transit and metropolitan vehicles.

Same as above except front bumper shall be furnished by body manufacturer.

**23.2 (10) Color.** Chassis, including fenders and wheels, shall be black; hood shall be in prime.

**23.2 (11) Drive shaft.** Torque capacity of the drive shaft assembly shall at least equal maximum engine torque as developed through lowest transmission gear reduction. Each drive shaft shall be equipped with a protective metal guard or guards located immediately to the rear of each forward universal joint on each propeller shaft to prevent whipping through the floor or dropping to the ground when broken. [Amended June 2, 1961]

**23.2 (12) Exhaust system.** [321.436] a. Exhaust pipe, muffler, and tail pipe shall be outside bus body and attached to chassis frame.

b. Tail pipe shall be constructed of seamless or electrically welded tubing of sixteen-gauge steel or equivalent. (Flexible tubing not accepted.)

c. Exhaust pipe shall be properly insulated from gasoline tank and connections thereof by a metal shield at any point where it is twelve inches or less from tank or connections.

d. Tail pipe shall extend at least three inches beyond chassis frame, but not beyond rear bumper. The rear end of pipe must be located at a point to the right or left of emergency door.

e. Size of tail pipe shall not be reduced after it leaves muffler. [Amended June 2, 1961]

**23.2 (13) Fenders, front.** a. Total spread of outer edges of front fenders, measured at fender line, shall exceed total spread of front tires when front wheels are in straight-ahead position.



b. Front fenders shall be properly braced and free from any body attachment.

c. Chassis sheet metal shall not extend beyond rear face of cowl.

d. *Exception.* Transit and metropolitan vehicles. Standard does not apply. [Amended June 2, 1961]

**23.2 (14) Frame.** a. Frames or equivalent shall be of such design as to correspond at least to standard practice for trucks of same general load characteristics used for severe service.

b. When frame side members are used they shall be of one-piece construction. If frame side members are extended, such extension shall be designed and furnished by chassis manufacturer with his guarantee and installation shall be made by either chassis or body manufacturer and guaranteed by company making installation. Extensions of frame lengths are permissible only when such alterations are behind rear hanger of rear spring, and shall not be for purpose of extending wheel base.

c. Holes in top or bottom flanges of frame side rails shall not be permitted except as provided in original chassis frame. There shall be no welding to frame side rails except by chassis or body manufacturer.

**23.2 (15) Fuel tank.** [321.773(11)] a. Fuel tank shall have minimum capacity of thirty gallons, be made of sixteen-gauge terneplate or equivalent, and be mounted directly on right side of chassis frame entirely outside body.

b. Flexible gasoline- and oil-proof connection shall be provided at engine end of fuel feed line.

c. Tank shall be equipped with adequate baffles.

d. Engine supply line shall be taken from top of tank.

e. Drain plug at least one-quarter inch in diameter shall be located in center of bottom of tank.

f. Fuel tank shall conform to the following measurements:

(1) Tank shall not extend in height above side member of chassis.

(2) Distance from center line of chassis to outside of tank shall not be more than thirty-nine inches.

(3) Bottom of tank shall not be more than fourteen inches below top of frame.

(4) Distance from cowl to front of tank shall be forty-two inches minimum.

(5) Distance from cowl to center of filler cap shall be fifty-seven inches.

(6) Distance from center line of chassis to center of filler cap shall be forty-four inches with plus or minus tolerance of one-half inch permitted.

(7) Center of filler cap shall be one

inch below top of frame with tolerance of one-fourth inch permitted.

g. Fuel tank shall have the approval of Underwriters' Laboratories, Inc.

h. Fill-pipe cap shall be of such design as to minimize spillage of fuel when bus turns corners in either direction. If venting of fuel tank is done other than through fill-pipe cap, cap shall be of nonvented type.

i. *Exception*—Transit and metropolitan vehicles.

(1) Fuel tank shall have minimum capacity of thirty gallons, be made of sixteen-gauge terneplate or equivalent, and be mounted away from left side of bus entirely outside passenger compartment.

(2) Bottom of tank shall not be exposed below skirt of body side paneling.

(3) Engine supply line shall be taken from upper portion of tank and shall be adequately protected.

(4) Drain plug at least one-fourth inch pipe size shall be located in bottom of tank.

(5) Fill-pipe cap shall be entirely outside passenger compartment. [Amended June 2, 1961]

**23.2 (16) Generator or alternator.** Generator or alternator with rectifier shall be a minimum of fifty amperes, low cut-in or charge-at-idle, and shall be ventilated, voltage-controlled, and current-controlled. Alternator, if specified, shall have matching regulator.

Alternators are recommended for increased electrical loads. [Amended June 2, 1961]

**23.2 (17) Governor.** Governor is permissible and where used it shall be approved by chassis manufacturer.

*Exception*—Transit and metropolitan vehicles.

When engine is remotely located from driver, governor shall be installed to limit engine speed to maximum revolutions per minute recommended by engine manufacturer, or tachometer shall be installed so engine speed may be known to driver.

**23.2 (18) Horn.** a. Bus shall be equipped with horn or horns of standard make, each horn capable of producing complex sound in band of audiofrequencies between approximately two hundred fifty and two thousand cycles per second and having total sound level of one hundred ten decibels within these frequency limits when measured at point on axis of horn three feet from exit of horn.

b. Sound-level measurements shall be made with meter that complies with American Standard Z24.3-1944, or current revision thereof, as promulgated by American Standards Association, Inc.\* Measurement shall be made with meter set to flat response (C weighting network). (Current standard is S1.4 dated January 9, 1961.)

c. Sound-level measurements shall be

\*10 East 40th Street, New York 16, New York

made with horn or horns installed on bus. There shall be no reflecting walls or obstacles other than ground and vehicle closer than one hundred feet from horn during sound-level measurements.

d. If louder horn is desired it shall be capable of producing sound level of one hundred twenty decibels under conditions specified above. [Amended June 2, 1961]

**23.2 (19) Instruments and instrument panel.** a. Bus shall be equipped with following instruments:

- (1) Speedometer which will show speed.
- (2) Odometer giving accrued mileage (or hubodometer may be used instead).
- (3) Ammeter (or suitable charge indicator on vehicles having engine remotely located from driver).
- (4) Oil pressure gauge.
- (5) Water temperature indicator.
- (6) Fuel gauge.
- (7) Upper beam headlamp indicator.
- (8) Audible signal actuated by emergency door.
- (9) Air pressure or vacuum gauge, where air or vacuum brakes are used. [Amended June 2, 1961]

b. All instruments shall be easily accessible for maintenance and repair.

c. Above instruments and gauges shall be mounted on instrument panel in such manner that each is clearly visible to driver in normal seated position. Audible signal actuated by emergency door may be mounted anywhere within immediate proximity of driver. Lights in lieu of gauges are not acceptable. [Amended June 2, 1961]

d. Instrument panel shall have lamps of sufficient candlepower to illuminate all instruments.

**23.2 (20) Oil filters.** Oil filter of replaceable element or cartridge type shall be provided, and shall be connected by flexible oil lines if it is not of built-in or engine-mounted design. Oil filter shall have oil capacity of at least one quart. [Amended June 2, 1961]

**23.2 (21) Passenger load.** a. Gross vehicle weight (i.e., wet weight, plus driver's weight of 150 pounds, plus weight of maximum seated pupil load based on not less than one hundred pounds per pupil) shall not exceed maximum gross vehicle weight rating as established by manufacturer.

b. Manufacturer's gross vehicle weight rating shall be furnished in duplicate to State Department of Public Instruction, State Office Building, Des Moines, Iowa.

**23.2 (22) Power or grade ability.** [321.382]  
a. Bus must be so geared and powered as to be capable of surmounting three percent grade at a speed of at least twenty miles per hour with full load on continuous pull.

b. Grade ability is to be calculated using the following formula and table:  

$$G = \frac{33750 \times \text{H.P.}}{\text{G.V.W.} \times \text{M.P.H.}}$$
 (for buses having seating capacity up to and including 67 pupils)  
 or  
 -1.2 (for buses having seating capacity of 68 or more pupils)

Where G = Grade in percent  
 H.P. = Certified net horsepower delivered at road speed (M.P.H.)  
 G.V.W. = Gross vehicle weight (see table below)  
 M.P.H. = Miles per hour vehicle is driven

Rolling Resistance = 1.5 or 1.2 (depending on seating capacity of bus)

Pupil Capacity	Gross Vehicle Weight (G.V.W.)
36	Chassis (wet) plus 7,500 lbs.
42	Chassis (wet) plus 8,600 lbs.
48	Chassis (wet) plus 9,800 lbs.
54	Chassis (wet) plus 10,800 lbs.
60	Chassis (wet) plus 11,900 lbs.
66	Chassis (wet) plus 13,200 lbs.

[Amended June 2, 1961]

**23.2 (23) Shock absorbers.** a. Bus shall be equipped with front double-action shock absorbers of adequate size.

b. Rear shock absorbers are optional.

**23.2 (24) Springs.** a. Springs or suspension assemblies shall be of ample resiliency under all load conditions and of adequate strength to sustain loaded bus without evidence of overload.

b. Springs or suspension assemblies shall be designed to carry their proportional share of gross vehicle weight in accordance with requirement for weight distribution as shown under section on weight distribution.

c. Rear springs shall be of progressive type.

d. If leaf-type front springs are used, stationary eyes shall be protected by full wrapper leaf in addition to main leaf.

e. Chassis design shall be such that dual chains may be used on rear dual wheels where chains are required. [Amended June 2, 1961]

**23.2 (25) Steering gear.** a. Steering gear shall be approved by chassis manufacturer and designed to assure safe and accurate performance when vehicle is operated with maximum load and at maximum speed.

b. Steering mechanism shall provide for easy adjustment for lost motion.

c. No changes shall be made in steering apparatus which are not approved by chassis manufacturer.

d. There shall be clearance of at least two inches between steering wheel and cowl instrument panel, windshield, or any other surface.

e. Power steering is permissible if approved by chassis manufacturer. [Amended June 2, 1961]

**23.2 (26) Tires and rims.** *a.* Tires and rim sizes, based upon current standards of Tire and Rim Association, shall be required.

*b.* In order to allow for reasonable tolerance, total weight imposed on any tire shall not be greater than five percent more than current standards of Tire and Rim Association.

*c.* Dual rear tires shall be provided on all vehicles of twenty-four or more pupil capacity.

*d.* All tires on given vehicles shall be of same size and ply rating.

*e.* Spare tire, if required, shall be suitably mounted in accessible location outside passenger compartment.

*f.* Tubeless tires are permissible and acceptable. Size of tubeless tires when used in place of tires and tubes must conform to sizes recommended by the Tire and Rim Association. For example:

10x22.5 Tubeless equal 9.00x20 Tube tires

9x22.5 Tubeless equal 8.25x20 Tube tires

8x22.5 Tubeless equal 7.50x20 Tube tires

*g.* Recapped tires are permissible as replacements on equipment now in operation for use on rear wheels only providing tires are guaranteed by the seller. [Amended June 2, 1961]

**23.2 (27) Tow hooks.** *a.* Bus shall be equipped with two tow hooks fastened securely to front end of frame.

*b.* Tow hooks on rear are optional. If provided, however, they shall not protrude beyond outer edge of rear bumper. [Amended June 2, 1961]

**23.2 (28) Weight distribution.** Weight distribution shall be such that not more than seventy-five percent of gross vehicle weight shall be on rear tires when bus is on level surface.

*Exception.* Transit and metropolitan vehicles.

With engine inside front of body: If entrance door is ahead of front wheels, not more than seventy-five percent of gross vehicle weight shall be on rear tires nor more than fifty percent on front tires. If entrance door is behind front wheels, not more than seventy-five percent of gross vehicle weight shall be on rear tires nor more than forty percent on front tires. With engine in rear: Not more than seventy-five percent of gross vehicle weight shall be on rear tires nor more than forty percent on front tires. [Amended June 2, 1961]

**23.2 (29) Wheel base.** Chassis shall be of such length for each capacity body as to permit body mounting with two-thirds of body length, measured from front of dash to center of rear axle, ahead of rear axle.

**23.2 (30) Clutch.** Clutch torque capacity shall be not less than ten percent in excess of maximum net torque output of engine. Minimum diameter of clutch shall be eleven inches.

It is recommended that chassis of sixty and greater pupil capacity buses be equipped with clutch of twelve-inch minimum diameter or clutch of equivalent performance. [Amended June 2, 1961]

**23.2 (31) Transmission.** *a.* Transmission shall be synchromesh or constant-mesh type. It shall be of sturdy construction, and input torque capacity shall be at least ten percent above maximum net torque developed by engine. Its design shall provide not less than four forward and one reverse speeds.

*b.* Automatic transmissions are permissible.

*c.* It is recommended that fifty-four or larger capacity buses be equipped with five-speed transmission where two-speed rear axles are not installed.

*Exception.* Small vehicles.

Three-speed transmissions are acceptable. [Amended June 2, 1961]

**23.3 (285) The school bus body.**

**23.3 (1) Aisle.** *a.* Minimum clearance of all aisles, including aisle leading to emergency door, shall be twelve inches. (See subsection 10, paragraph "b," subparagraph 6.)

*b.* Aisle supports of seat backs shall be slanted away from aisle sufficiently to give aisle clearance of fifteen inches at tops of seat backs.

**23.3 (2) Axe.** Bus shall be equipped with a short hand axe with approximately a two-pound head and an eighteen-inch shank, mounted in a position accessible to driver.

**23.3 (3) Book racks.** Book racks shall not be installed in interior of bus body.

**23.3 (4) Body skirting.** Body skirting shall be supported by extension of body posts securely attached to subfloor and body posts above with lower ends of post extensions bolted or riveted to a horizontal inner frame angle iron structure at base of body skirting, or by a structure of equivalent strength.

**23.3 (5) Bumper, rear.** [321.373(12)] *a.* Rear bumper shall be of pressed steel channel at least three-sixteenth inch by seven inches. [Amended June 2, 1961]

*b.* It shall be full wrap around to both sides, and shall be so attached as to prevent hitching of rides.

*c.* It shall be attached to chassis frame, and braced with material of impact ratio comparable to that of bumper material. [Amended June 2, 1961]

*d. Exception*—Transit and metropolitan vehicles.

Rear bumper shall be of sufficient strength to permit fully-loaded vehicle being pushed without permanent distortion to bumper or body. It shall be so designed as to prevent hitching-to or riding-on, and shall be long enough to protect full width of body.

**23.3 (6) Ceiling.** (See Insulation, and Interior)

**23.3 (7) Color.** [321.373(2)] *a.* School bus body including hood, cowl, and roof shall be painted uniform color, national school bus chrome, according to specifications available from General Services Administration.<sup>1</sup> [Amended June 2, 1961]

*b.* Fenders and lettering (and body trim if used) shall be black.

**23.3 (8) Construction.** [321.373] *a.* Construction shall be all steel or other metal with strength at least equivalent to all-steel as certified by bus body manufacturer.

*b.* Construction shall provide reasonably dustproof and watertight unit.

*c.* Bus body (including roof bows, body posts, and floor) shall be of sufficient strength to support entire weight of fully loaded vehicle on its top or side if overturned. It shall have sufficient frame members (strainers, stringers, etc.) in roof structure and corners to provide adequate safety and to resist damage on impact. As evidence that bus body meets this standard, manufacturer shall furnish, for each current body model, certification in duplicate that bus body meets School Bus Body Manufacturers' Association STATIC LOAD TEST CODE FOR SCHOOL BUS BODY STRUCTURE.<sup>2</sup> Consideration of impact resistance shall be a prime factor in body design in compliance with code requirements. Copies of code shall be furnished in duplicate by School Bus Body Manufacturers' Association to State Department of Public Instruction, Des Moines, Iowa. [Amended June 2, 1961]

*d.* Interior ceiling and walls must be lined with all-steel paneling or other metal of equal strength.

*e.* All bodies offered for sale in the state of Iowa must be approved by department of public instruction.

*f.* Floor.

(1) Floor shall be of metal at least equal in strength to fourteen-gauge steel.

(2) All closures between passenger compartment and engine shall be fitted with gaskets which will effectively prevent gases from entering passenger compartment.

*g. Exception*—Transit and metropolitan vehicles.

Item 4: Floor shall be constructed of metal at least equal in strength to fourteen-gauge steel; or five-ply plywood at least five-eighths inch thick and found by standard test to be at least equal in strength to fourteen-gauge steel, provided it equals or exceeds properties of exterior type Douglas fir plywood, "B-B Grade," as specified in standard issued by U. S. department of commerce.

**23.3 (9) Defrosters.** *a.* A windshield defroster duct unit shall be installed along the windshield sill with sufficient louvres to direct a strong flow of air over the entire wind-

shield glass surface. Defroster unit shall operate from a master heater and be controlled by a separate switch. A defrosting unit of a similar type is recommended for the window at the left of the driver.

*b.* In addition, two adjustable six-inch all-metal defroster fans shall be installed. These fans shall be on a separate circuit with one switch and rheostat to control the two fans. Fans shall be equipped with adequate guards. Switches controlling fans shall be easily accessible to the driver. [Amended June 2, 1961]

**23.3 (10) Doors.** *a.* Service door. [Section 321.373 (4) (5)]

(1) Service door shall be power or manually operated and of hand lever type, under control of driver and so designed as to prevent accidental opening. No parts of control shall come together so as to shear or crush fingers. [Amended June 2, 1961]

(2) Service door shall be located on right side of bus opposite driver and within his direct view.

(3) Service door shall have minimum horizontal opening of twenty-four inches and minimum vertical opening of sixty-five inches.

(4) Service door shall be of split type or sedan type. (Split-type door includes any sectioned door which divides and opens inward or outward.) If one section of split-type door opens inward and other opens outward, front section shall open outward.

(5) Lower as well as upper panels shall be of approved safety glass. (Section 321.446, Code of Iowa) Bottom of lower glass panel shall not be more than thirty-five inches from ground when bus is unloaded. Top of upper glass panel shall not be more than six inches from top of door.

(6) Vertical closing edges shall be equipped with flexible material to protect children's fingers.

(7) There shall be no door to left of driver. (This shall not be interpreted to conflict with item "b" (1) below.)

(8) A power operated door must have manual over-ride in case power fails. [Amended June 2, 1961]

*b.* Emergency door. [321.373 (6)]

(1) Emergency door shall be located in center of rear end of bus, or in rear half of left side of bus if engine is so located as to make it impossible to place door in center of rear end.

(2) Emergency door shall have minimum horizontal opening of twenty-four inches, and minimum vertical opening of forty-eight inches measured from floor level.

(3) Emergency door shall be hinged on right side if in rear end of bus, and on front side if on left side of bus. It shall open outward, and shall be labeled inside to indicate how it operates.

(4) Upper portion of emergency door shall be equipped with approved safety glass, exposed area of which shall not be less than

<sup>1</sup>Federal Standard No. 595, chrome yellow enamel No. 13432

Federal Standard No. 595, black enamel No. 17038

General Services Administration, Business Center, Region 3, 7th and D Streets, S.W., Washington 25, D.C.

<sup>2</sup>401-402 Washington Board of Trade Building, 1616 K St., N.W., Washington 6, D.C.

twelve inches in height and twenty inches in width. (See item "f" under Windows and item "a" under Windshield)

(5) There shall be no steps leading to emergency door.

(6) No seat or other object shall be so placed in bus as to restrict any part of passageway leading to either rear or left side emergency door to opening smaller than rectangle of twelve inches horizontal width and forty-eight inches vertical height (measured from floor level), when bus is standing on level ground.

(7) When either open or not fully latched, emergency door shall actuate signal audible to driver by means of mechanism actuated by latch. (See item "a" (8) under 23.2 (19), Instruments and instrument panel) [Amended June 2, 1961]

(8) Emergency door shall bear words "EMERGENCY DOOR" both inside and outside in letters at least two inches high. Words shall be placed directly above emergency door.

(9) If emergency door is located on left side of bus it is required that window at rear shall be designed as emergency exit and that it be no smaller than sixteen by fifty-four inches on buses eighty inches or more in width, and no smaller than sixteen by forty-eight inches on buses less than eighty inches in width. Window shall be hinged from top and devised and operated to insure against accidental closing in emergency.

(10) Emergency window shall bear words "EMERGENCY EXIT" both inside and outside in letters at least two inches high. Words shall be placed directly above emergency window on inside, and below on outside. Paneling is required to cover space between top of rear divan seat and inside surface of emergency window at rear. [Amended June 2, 1961]

(11) Both emergency door and emergency window shall be designed to open from inside and outside bus and shall be equipped with fastening device which may be quickly released, but so designed as to offer protection against accidental release. Control from driver's seat shall not be permitted. Provision for opening from outside shall consist of nondetachable device so designed as to prevent hitching-to, but to permit opening when necessary.

*c. Exception. Small vehicles.*

Substitute following standards for those above:

(1) Service door shall be located to right of driver and shall be manually controlled from driver's seat by over-center control for bus-type conveyance.

(2) Emergency door:

(a) Emergency door shall be located in center of rear end of bus and shall be equipped with fastening device for opening from inside and outside body, which may be quickly released but is designed to offer pro-

tection against accidental release. Metal guard shall be placed over door control on inside. Control from driver's seat shall not be permitted. Provision for opening from outside shall consist of device designed to prevent hitching-to, but to permit opening when necessary.

(b) Door shall open either vertically or horizontally. When vertical-type door is used, there shall be unobstructed aisle at least twelve inches wide.

(c) Emergency door shall be marked "EMERGENCY DOOR" on inside.

(d) There shall be no steps leading to emergency door.

(e) No seat or other object shall be placed in bus which restricts passageway to emergency door to less than twelve inches. [Amended June 2, 1961]

**23.3 (11) Fire extinguisher.** a. Bus shall be equipped with at least one dry-chemical type fire extinguisher of at least two and one-half pounds capacity, mounted in extinguisher manufacturer's bracket of automotive type, and located in driver's compartment in full view of and readily accessible to driver.

b. The extinguisher shall have a minimum rating of 4-B:C and shall meet the applicable standards prescribed by a testing organization of national reputation, such as Underwriters' Laboratories, Inc., or Factory Mutual Laboratories, which undertakes to test and provide standards for extinguishing equipment.

c. If extinguisher is of stored pressure type, it shall be equipped with a gauge. [Amended June 2, 1961]

**23.2 (12) First-aid kit.**

a. Bus shall carry Grade A metal first-aid kit and Type II contents conforming to specifications as set forth in current federal specification GG-K-391a,\* mounted in full view and in accessible place in driver's compartment.

b. First-aid kits must be approved by state department of public instruction.

c. Sizes required for buses:

Sixteen-unit kit required in all buses carrying up to thirty passengers.

Twenty-four-unit kit required in all buses carrying thirty-one to forty-eight passengers.

Thirty-six-unit kit in all buses carrying forty-nine and up.

ITEM	16-unit	24-unit	36-unit
Bandage compress, (sterile gauze pads) 4-inch	4	4	6
Bandage compress, (sterile gauze pads) 2-inch	--	1	3
Adhesive absorbent bandage (adhesive tape) 1-inch	--	1	2
Triangular bandage, 40-inch	4	5	6
Gauze bandage, 4-inch	1	3	4
Absorbent-gauze compress	1	2	4
Burn compound, 1/2 ounce	2	2	1
Burn compound, 1/8 ounce	--	--	2
Eye-dressing unit	--	1	1
Antiseptic applicators (swab type) nitromersol tincture N.F. or thimersol N.F.	1	2	4
Tourniquet—forceps—scissors	3	3	3

\*Obtainable from General Services Administration, Business Service Center, Region 3, 7th and D Streets, S.W., Washington 25, D.C.

**23.3 (13) Flags—Flares—Fusees.** *a.* Bus shall be equipped with:

Three flags (minimum 16" square)

Three fusees (minimum—20 min.)

Three flares—flares may be of oil or reflector type. If oil flares are used they must be housed in leak-proof case.

*b.* Flags, flares, and fusees shall be mounted in an accessible place near driver. [Amended June 2, 1961]

**23.3 (14) Floor.** (See subsection 8, Construction)

**23.3 (15) Floor covering.** *a.* Floor in underseat area shall be covered with fire-resistant floor covering material of type commonly used in passenger transportation equipment. Floor covering shall be of rubber or linoleum and shall have minimum over-all thickness of 0.125 inch. (Linoleum floor covering shall be made with oxidized linseed-oil binder having cork filler and placed on burlap or felt backing.)

*b.* Floor covering in aisle shall be of aisle type rubber, non-skid, and wear-resistant. Rubber without ribs shall have minimum over-all thickness of 0.125 inch. If of ribbed material, minimum over-all thickness shall be 0.140 inch measured from tops of ribs.

*c.* Floor covering must be permanently bonded to floor, and must not crack when subjected to sudden changes in temperature. Bonding or adhesive material shall be waterproof and shall be of type recommended by manufacturer of floor-covering material. All seams must be sealed with waterproof sealer. [Amended June 2, 1961]

*d.* Floor mat from base of driver's seat, over floor boards and toe riser to engine fire wall shall be closely fitted and firmly fastened.

**23.3 (16) Heaters.** *a.* Master heater shall be of fresh air hot water or combustion type, located at front, to left of driver's seat.

*b.* Master heater may be supplemented through installations of additional hot water circulating heaters.

*c.* Hot water heaters shall bear nameplate rating of School Bus Body Manufacturer's Association—standard code for testing and rating automotive bus hot water heating and ventilating equipment, plate to be affixed by heater manufacturer. Copies of code shall be furnished to the Iowa State Department of Public Instruction, Des Moines, Iowa.

*d.* All combustion type heaters shall be approved by Underwriters' Laboratories, Inc.

*e.* If combustion type heaters are used they shall be installed on new buses by body manufacturers, and on buses now in operation by authorized dealers or by authorized garages.

*f.* Heaters shall be capable of maintaining inside temperature of fifty degrees Fahrenheit at a twenty degree Fahrenheit outside temperature.

**23.3 (17) Identification.** *a.* Body shall bear words "SCHOOL BUS" in black letters at least

eight inches high on both front and rear of body or on signs attached thereto. Lettering shall be placed as high as possible without impairment of its visibility. Lettering shall conform to "Series B" of standard alphabets for highway signs.

*b.* Words "STOP ON SIGNAL" may be painted on rear of bus. Word "STOP" by itself shall not be used.

*c.* Bus, whether school owned or privately owned, shall bear official name of school on each side in black standard unshaded letters, five inches high.

Examples:

1. Blank Community School District
2. Blank Independent School District
3. Blank Consolidated School District
4. Blank Township School District
5. Blank Rural Independent School District

*d.* Pupil seating capacity of bus shall be printed to left of entrance door, approximately six inches below name of school district, in two-inch characters.

*e.* Number of bus shall be printed in not less than two-inch nor more than five-inch characters. Location of number is at discretion of local district except that number of bus shall not be on the same line as the name of the school district. [Amended June 2, 1961]

*f.* Privately owned buses shall also bear name of owner, followed by the word "OWNER" in one and one-half inch characters printed approximately six inches below bus number and bus capacity.

*g.* Capacity of bus shall also be printed above right windshield inside of bus.

**23.3 (18) Inside height.** Minimum inside body height shall be seventy inches measured at any point on longitudinal center line from front vertical bow to rear vertical bow. [Amended June 2, 1961]

**23.3 (19) Insulation.** [321.373 (13)] *a.* Body shall be lined and ceiling and walls insulated with proper fire-resistant materials to deaden sounds and vibrations and to reduce heat transfer. [Amended June 2, 1961]

*b.* Both sidewalls and ceiling shall be insulated with material which has a chemical insulation value at least equivalent to one-inch thickness of fiber glass. All insulation shall be so firmly installed that it will retain its original position.

**23.3 (20) Interior.** *a.* Interior of bus shall be free of all unnecessary projections likely to cause injury.

*b.* Ceilings over aisles shall be free of all projections.

**23.3 (21) Lamps and signals.** [321.428] *a.* All lamps and their installation shall conform to current standards and recommendations of Society of Automotive Engineers.\* (SAE Handbook Supplement TR-34)—Advance Issue for 1962.

\*485 Lexington Avenue, New York 17, New York.

b. Headlamps. Bus shall be equipped with head lamps and fuses or circuit breakers.

c. Clearance lights. Body shall be equipped with two red clearance lamps at rear and two amber clearance lights at front mounted at highest and widest portion of body.

d. Tail stop-lights.

(1) Bus shall be equipped with two tail lamps and two stop (brake) lamps not in combination, emitting red light plainly visible for distance of five hundred feet to rear. Signal area of stop (brake) lamps shall be at least six inches in diameter and shall have light intensity at least equal to Class A, Type I turn-signal units as established by Society of Automotive Engineers.

(2) Tail lamps shall be mounted not less than forty inches from surface on which vehicle stands. Stop (brake lamps) shall be as high as practicable but below window line, and spaced as far apart laterally as practicable but not less than three feet. Measurements shall be taken from lamp centers. [Amended June 2, 1961]

e. Interior lights.

Interior lights shall be provided which adequately illuminate interior aisles and step well.

f. Warning signal lights.

Definition: School bus warning signal lamps are alternately-flashing lamps at same horizontal level, intended to identify vehicle as school bus, and to inform other users of highway that such vehicle is about to stop, or is stopped, to take on or discharge school children.

(1) Bus shall be equipped with two alternately flashing red lights at rear of vehicle and two alternately flashing amber lights at front of vehicle. These shall be seal-beam units. [Amended June 2, 1961]

(2) Flashing stop warning signal lights shall be actuated upon application of a switch mounted on the steering column. These lights shall not be connected in any way with the foot brakes or the service door. (See subsection 22 below for specification covering central switches for direction lights and flashing stop warning lights.)

(3) Right and left lights shall flash alternately. Each light shall flash not less than sixty nor more than one hundred twenty flashes per minute and shall be illuminated at least fifty percent of the time. The flasher, when tested in conjunction with the operating switch and its four lights, shall meet the same requirements as set out in Commercial Standards CS 80-41.

(4) Flashing stop warning lights are to have a signal area of not less than twenty-eight square inches per lens. There shall be no opaque background or lettering on lens. A bulb of twenty-one candle-power minimum, with a reflector back of it, shall give distinct warning illumination of entire lens area when

lighted, for distance of five hundred feet when bus is in bright sunlight.

(5) Lens color and wiring must conform to SAE specifications.

(6) The entire lamp assembly must meet SAE specifications and successfully pass vibration and shock, moisture, dust, corrosion and photometric tests.

(7) Installation.

(a) Each signal lamp shall be mounted with its axis substantially parallel to longitudinal axis of vehicle.

(b) Front and rear signal lamps shall be spaced as far apart laterally as practical, but in no case shall spacing be less than three feet.

(c) Location of front signal lamps shall be such that they can be clearly distinguished when headlamps are lighted on lower beam.

(d) Warning signal lamps shall be mounted at front above windshield, and at rear so that lower edge of lens is not lower than top line of side window openings.

(e) Vision of front signals to front and of rear signals to rear shall be unobstructed by any part of vehicle from ten degrees above to ten degrees below horizontal, and from twenty degrees to right to twenty degrees to left of center line of vehicle.

(f) Area around lens of each alternately flashing signal lamp (both front and rear) and extending outward approximately three inches shall be painted black. In installations where there is no flat vertical portion of body immediately surrounding entire lens of lamp, circular or square band of black approximately three inches wide, immediately below and to both sides of lens, shall be painted on body or roof area against which signal lamp is seen (from distance of five hundred feet along axis of vehicle). [Amended June 2, 1961]

g. Turn signal units.

Definition: An electric direction signal lamp for school buses is a device for giving a flashing warning light to front and rear of a school bus to indicate to approaching and overtaking motor vehicles the intention of operator of bus to change direction.

(1) Bus shall be equipped with four amber flashing turn or direction signal lamps.

(2) Control switch shall be mounted on steering column immediately below steering wheel. On vehicles where this is not possible, switches shall be mounted where readily accessible to operator. (See subsection 22 below)

(3) Flashing rate for turn signal lamps shall be no slower than sixty and no faster than one hundred twenty times per minute under normal operating conditions. The "on" period of flasher shall be long enough to permit bulb filament to come to full brightness.

(4) Illuminated signal area of lamp

shall be in the form of an arrow with head and shaft or arrowhead only. Luminous area shall be not less than twelve square inches. Area of lamp face surrounding luminous area shall be black. This may be a metal shield painted dull black or a vitreous black enamel applied to lens itself.

(5) Lens coloring and wiring must conform to SAE specifications.

(6) Entire lamp assembly must meet SAE specifications and successfully pass vibration and shock, moisture, dust, corrosion and photometric tests.

(7) Installation.

(a) Each turn signal lamp shall be mounted with its axis substantially parallel to longitudinal axis of vehicle.

(b) Rear lamps shall be mounted as near to the right and left side of the bus as possible but in no case shall the outer edge of the lamps be more than ten inches from the outerbody width line. They shall be mounted below the rear windows but in no case shall the distance from the top edge of the lamp to the lower edge of the window exceed five inches.

(c) Front lamps shall be mounted either on the top of each front fender or on the cowl. If mounted on the cowl, the distance from the top edge of the lamp to the lower windshield line shall not exceed five inches.

(d) Mounting brackets or hoods for both front and rear lamps shall be of sufficient strength to withstand normal vibration. Those for rear lamps shall be streamlined to the body to prevent hitching of rides.

h. Flags, flares and fusees: (See subsection 13 above)

i. Stop arm. (See subsection 33 below)

j. License-plate lamp. Bus shall be equipped with rear license-plate illuminator. This lamp may be combined with one of tail lamps. [Amended June 2, 1961]

**23.3 (22) Switches for turn and flashing warning light operation.** a. Hand control switches for turn signals and flashing warning lamps shall be mounted on steering column immediately below steering wheel. On vehicles where this is not possible, switches shall be mounted where readily accessible to operator.

b. Hand control switches for turn signal and flashing warning lamps must be combined into one common case. Upper switch lever shall operate turn signal and lower switch shall operate flashing warning lamps.

c. Telltale lights plainly visible to operator shall be provided to indicate that each signalling system is functioning properly.

**23.3 (23) Mounting.** a. Body manufacturer, when installing body on frame, shall insert between body and frame, a spacer at every point of contact between body and

frame of such form that shearing stresses shall not be put upon rivet heads.

b. Chassis frame shall extend to rear of rear body cross member.

**23.3 (24) Overhang.** Body shall be mounted so that not more than seventy-five percent of gross vehicle weight shall be on rear tires on a level surface.

*Exception*—Transit and metropolitan vehicles.

Weight distribution shall be such that not more than seventy percent of gross vehicle weight shall be on rear tires when bus is on level surface.

**23.3 (25) Posts.** (See subsection 8, Construction and item "b", under subsection 41, Windshield)

**23.3 (26) Rear vision.** a. Interior rear-view mirror designed to minimize glare, and large enough (at least six by thirty inches) to afford good view of pupils and roadway to rear shall be installed. If not metal-backed, such mirror shall be of laminated plate safety glass. It shall have rounded corners and protected edges.

b. Two exterior rear-view mirrors designed to minimize glare shall be provided, one to left and one to right of driver. Area of each mirror shall be not less than fifty square inches. Mirrors shall be adjustable so as to give driver clear views past left rear and right rear of bus. If total width of bus including mirrors exceeds ninety-six inches, mirror bracket shall be of a type that will collapse on slight impact.

c. Cross-view mirrors are permissible. [Amended June 2, 1961]

**23.3 (27) Rub rails.** Two rub rails of ample strength to resist impact and to prevent body crushing shall be provided on each side of bus body. They shall be applied full length of body on outside of body, on left side from windshield post to rear corner radius and on right side from service door to rear corner radius. One rail shall be located approximately at seat line, and the other approximately at floor line. Pressed-in rub rails do not satisfy this requirement.

**23.3 (28) Safety panel.** (See Stanchion and Guard Rails)

**23.3 (29) Seats.** [321.373(3, 10)] a. All seats shall be forward facing and provide a minimum width of thirteen inches per pupil.

b. Seat frames shall be constructed of welded steel tubing of a minimum seven-eighths inch outside diameter, sixteen-gauge wall or its equal, and must be amply reinforced. Cushion springs shall be of high quality spring steel. Cushion padding shall be not less than two inches thick, shall be backed with sisal or burlap or equal. Covering shall be of genuine leather or imitation leather which will withstand extreme changes of temperatures. [Amended June 2, 1961]



c. Seats on each side of bus shall be of equal lengths.

d. No seats on right side of bus shall be placed ahead of forward most pupil's seat on left side of the bus.

e. All seats shall be securely fastened to floor, or floor and sidewall supports, by suitable sized bolts.

f. Minimum center-to-center seat spacing shall be twenty-six inches. Distance between driver's seat when adjusted to its rear-most position and front face of seat-back of forward-most pupil seat on left side of bus shall not be less than twenty-four inches measured at cushion height. [Amended June 2, 1961]

g. Minimum distance between steering wheel and back rest of driver's seat shall be twelve inches. Driver's seat shall have fore-and-aft adjustment of not less than three inches and shall be strongly attached. [Amended June 2, 1961]

h. Tops of back rests shall be approximately thirty-four to thirty-sixty inches above floor level. (See item "b" under 23.3 (1), Aisle)

i. Foremost seat on right side shall be at least nine inches from safety panel, measured from panel to center point of cushion at forward-most point of cushion.

j. No bus shall be equipped with jump seats or portable seats.

k. Minimum of thirty-six-inch headroom for sitting position above top of undepressed cushion line of all seats shall be provided. Measurement shall be made vertically not more than seven inches from side wall at cushion height and at fore-and-aft center of cushion.

l. Backs of all seats of similar size shall be of same width at top and of same height from floor and shall slant at same angle with floor.

m. Where grab handles on seats are used, they shall be enclosed.

n. All seats shall have minimum depth of fourteen inches with fronts approximately seventeen inches above floor, and the back of seat, one to one and one-half inches lower. [Amended June 2, 1961]

**23.3 (30) Stanchion and guard rails.** a. Vertical stanchion shall be installed at right rear corner of driver's seat in such position as neither to interfere with adjustment of driver's seat nor to obstruct twelve-inch aisle. Guard rail, approximately thirty inches above floor, and so placed as not to interfere with fore-and-aft adjustment of driver's seat, shall extend from vertical stanchion to left-hand wall behind driver's seat.

b. Stanchion shall be installed at rear of entrance step-well from roof to floor. Placement shall not restrict entrance passageway to less than twenty-four inches or aisle to less than twelve inches.

c. Guard rail and step-well guard panel shall be installed from step-well stanchion to right-hand wall to prevent children in front seat from being thrown into step-well in case

of sudden stop. Guard rail shall be approximately thirty inches above floor, and its guard panel shall not restrict entrance passageway to less than twenty-four inches at any level. Panel shall extend from guard rail to within two inches of floor. If panel extends over or into step-well opening, it must be flanged at floor line so as to close any opening between panel and floor. [Amended June 2, 1961]

d. Clearance between step-well guard panel and first pupil seat shall be at least twenty-four inches measured from panel to front face of seat back at cushion height. [Amended June 2, 1961]

e. All stanchions and guard rails shall be minimum of one-inch outside diameter and of eighteen-gauge metal tubing or equal.

**23.3 (31) Steering wheel.** (See item "d" under steering gear)

**23.3 (32) Steps.** a. First step at service door shall be not less than twelve inches and not more than sixteen inches from ground based on standard chassis specifications. [Amended June 2, 1961]

b. Riser of upper step at service door shall be not more than fifteen inches. When more than two steps are used, risers must be within one-half inch of equal height except that, where plywood floor is used on steel, differential may be increased by thickness of plywood used. [Amended June 2, 1961]

c. Steps shall be enclosed to prevent accumulation of ice and snow.

d. Steps shall not protrude beyond side body line.

e. Grab-handle not less than ten inches long shall be provided in unobstructed location inside doorway.

f. Surface of steps shall be of nonskid material.

**23.3 (33) Stop signal arm.**

a. The stop signal arm shall be a flat eighteen-inch octagon, exclusive of brackets for mounting.

b. Arm shall be constructed of aluminum alloy with a minimum gauge of .080, and temper of 5052-H34 or equivalent.

c. It shall have the word "stop" printed on both sides in white letters at least six inches high, with a brush stroke of approximately seven-eighths inch width, on a bright red background. The outer edge shall be painted white one-half inch wide.

d. The colors shall conform to the colors shown and specified in the American Association of State Highway Officials Manual for Signing and Pavement Marking of the National System of Interstate and Defense Highway, dated 1961 or latest issue. In addition, the colors shall be the same in daylight and at night under artificial headlight illumination. Reflective sheeting shall be uniform in color and reflectivity.\*

\*American Association of State Highway Officials, 917 National Press Building, Washington 4, D.C.

e. The entire sign, including letter, shall be reflectorized with "SCOTCH LIGHT" or equivalent, and must not lose over twenty percent of reflectivity when wet.

f. The sign shall be mounted outside the bus on the left side opposite the driver and immediately below the window. Rubber spacers shall be installed on either the side of the bus or the stop arm so as to prevent sign from making abrasive contact with side of bus.

g. It shall have a driver controlled mechanism, either manual or mechanical, which will positively hold the sign in extended or retracted position to prevent whipping in the wind. (Gears not acceptable.)

h. The control mechanism must be mounted so the driver will remain in normal driving position while operating the stop signal arm.

i. All stop signal arms, including the mechanism, must have special approval of the state department of public instruction. [Filed Dec. 3, 1965, effective December 1, 1965]

**23.3 (34) Sun shield.** Interior adjustable sun visor not less than six by sixteen inches in size shall be installed above windshield.

**23.3 (35) Tail pipe.** Tail pipe shall not extend beyond rear bumper. (See item "b" under section 2.2 (12), Exhaust System)

**23.3 (36) Storage compartment.** Metal container of adequate strength and capacity for storage of tire chains and tow chains and such tools as may be necessary for minor emergency repairs while bus is enroute shall be provided. Such storage container may be located either inside or outside passenger compartment but, if inside, it shall have cover (seat cushion may serve this purpose) and be fastened to floor in right rear portion of bus. [Amended June 2, 1961]

**23.3 (37) Undercoating.** All school bus bodies shall have applied to outside underbody construction, wheelhouse and side body skirts, an application of standard undercoating material of sufficient thickness to protect underbody structure against rust, water, leakage, dust and fumes, and shall have insulating properties against both heat and cold.

**23.3 (38) Ventilation.** a. Body shall be equipped with suitable, controlled ventilating system of sufficient capacity to maintain proper quantity of air under operating condition without opening of windows except in extremely warm weather.

b. Static type exhaust roof ventilators shall be installed in low pressure area of front roof panel.

**23.3 (39) Wheel housings.** a. Wheel housings shall be of full open type.

b. Wheel housing shall be attached to floor sheets in such manner as to prevent any water or dust from entering body.

c. Inside height of wheel housings above floor line shall not exceed ten inches.

d. Wheel housings shall provide clearance for dual wheels as established by Chain Institute, Inc.

**23.3 (40) Windows.** a. Each full side-window shall provide unobstructed emergency opening at least nine inches high and twenty-two inches wide, obtained either by lowering window or by use of knock-out type split sash window.

b. When full-drop windows are used they must be blocked so that when in a down position opening between window header and top of glass is not more than nine inches.

c. All exposed edges of glass shall be banded.

d. Windows at rear of bus shall be of ample size to give driver sufficient clear vision of traffic at rear.

e. There shall be a window to left of driver's seat so designed as to permit driver to partially open window.

f. All glass in side and rear windows and doors shall be safety glass approved by Underwriters' Laboratories, Inc., American Standards Association—Z26.1 1938.

**23.3 (41) Windshields.** a. All glass in windshield shall be approved safety glass and so mounted that permanent mark is visible, and of sufficient quality to prevent distortion of view in any direction.

b. Windshield shall be large enough to permit driver to see roadway clearly, shall be slanted to reduce glare, and shall be installed between front corner posts that are so designed and placed as to afford minimum obstruction to driver's view of roadway.

**23.3 (42) Windshield wipers.** a. Bus shall be equipped with two separate positive action windshield wipers of vacuum, air, or electric type with a minimum of fourteen-inch length blades.

b. When vacuum type wipers are used, a positive type electric booster vacuum pump shall be installed which will guarantee continual action. All vacuum installations must have approval before installing.

c. Wiper switches are to be placed in a position easily accessible from the driver's seat. [Amended June 2, 1961]

**23.3 (43) Wiring.** a. All wiring shall conform to standards of Society of Automotive Engineers.

b. Wiring shall be arranged in at least nine regular circuits, as follows:

- (1) Head, tail, stop (brake), and instrument panel lamps.
- (2) Clearance lamps and identification lamps.
- (3) Dome and step-well lamps.
- (4) Starter motor.

- (5) Ignition and emergency door signal.
- (6) Turn-signal units.
- (7) Alternately flashing warning signal lamps.
- (8) Horn.
- (9) Heaters, defrosters.

Any of the above combination circuits may be subdivided into additional independent circuits. [Amended June 2, 1961]

c. Wherever possible all other electrical functions shall be provided for by independent and properly-protected circuits.

d. Each circuit except starting and ignition shall have separate fuse or circuit breaker.

e. All wires within body shall be insulated and protected by covering of fibrous loom (or equivalent) which will protect them from external damage and minimize dangers from short circuits.

f. All light circuits shall be such as to provide bulb design voltage at light bulb terminals.

g. Wires shall be fastened securely at intervals of not more than twenty-four inches. All joints shall be soldered or joined by equally effective connectors.

**23.3 (44) Windshield washers.** Windshield washers shall be optional but, where required, they shall conform to body manufacturer's recommendations as to type and size for bus on which they are to be used. [Amended June 2, 1961]

**23.3 (45) Sanders.** Where required or used, sanders shall:

- a. Be of hopper cartridge-valve type.
- b. Have metal hopper with all interior surfaces treated to prevent condensation of moisture.
- c. Be of at least one-hundred pounds (grit) capacity.
- d. Have cover, on filler opening of hopper, which screws into place sealing unit airtight.
- e. Have discharge tubes extending to front of each rear wheel under fender.
- f. Have no-clogging discharge tubes with slush-proof, nonfreezing rubber nozzles.
- g. Be operated by electric switch with telltale light mounted on instrument panel.
- h. Be exclusively driver-controlled.
- i. Have gauge to indicate hoppers need refilling when they are down to one-quarter full. [Amended June 2, 1961]

**23.4 (285) Passenger cars, station wagons, carry-alls.**

- 23.4 (1) Passenger cars.**
- a. Car must be of the closed body type.
- b. Body must be all steel or of a metal at least equivalent in strength to steel.
- c. Car must be equipped with:

- (1) Four-wheel brakes properly adjusted to efficiently stop car when fully loaded.
- (2) Hand brake adequate to hold vehicle when stopped on incline.
- (3) Two windshield wipers.
- (4) Nonglare rear-view mirror — one inside and one outside on left side.
- (5) Two stop tail lights.
- (6) Multiple beam headlights.
- (7) Switch to raise or lower headlight beam.
- (8) Adequate horn.
- (9) Adequate heating equipment.
- (10) Heater defroster — an additional defroster fan for left windshield may be required.
- (11) Safety glass throughout.
- (12) Spare tire in good condition.
- (13) Demountable school bus signs front and rear. Signs must be national school bus chrome in color with black letters six inches high.
- (14) Fire extinguisher.
- (15) First-aid kit (at least twelve-unit).
- (16) Hand axe.

d. Car and its equipment must be maintained in first class operating condition.

**23.4 (2) Station wagons.** Station wagons used as school buses must meet requirements as listed for passenger cars.

**23.4 (3) Carry-alls.** Suburban carry-alls used as school buses:

a. Must meet conventional school bus specifications listed in bulletin TR-B-3R for items listed below:

- (1) Color.
- (2) Identification.
- (3) Stop arm.
- (4) Flashing stop warning lights.
- (5) Tail lights.
- (6) Flags, flares, fusees.
- (7) Fire extinguisher.
- b. Must be equipped with:

(1) Interior adjustable sun visor.

(2) Outside rear view mirror on right side in such position that roadway on right side of vehicle, beginning at service door, is visible from driver's position.

c. Must meet all other requirements listed for passenger cars which are not inconsistent with this section. [Filed December 17, 1956]

**TITLE XIII  
VETERANS' TRAINING  
CHAPTER 24**

**APPROVAL OF ON-THE-JOB TRAINING  
ESTABLISHMENTS UNDER THE  
SERVICEMEN'S READJUSTMENT  
ACT OF 1944, AS AMENDED**

- 24.1 Application.
- 24.2 Inspection.

24.3 Report reviewed.

24.4 Wage schedules.

*The following procedures, as they relate to the approval, administration, and supervision of the on-the-job training program for veterans, are in effect in the Iowa state department of public instruction.*

**24.1 Application.** In order to qualify as a training facility, the establishment must submit a written application on form as prescribed by this department.

**24.2 Inspection.** Upon receipt of the written application, it is checked by a staff member, and if there is any merit to the application, the establishment is visited and a detailed inspection is made to determine the correctness of the information given in the application.

**24.3 Report reviewed.** The inspector's recommendations are subject to the review of the director of the division.

**24.4 Wage schedules.** The employer shall observe the following points in setting forth the wage schedule for the training period:

a. The schedule shall set up for the entire period of training with provision for increases at regular intervals.

b. The starting wage and the wage paid during training cannot be less than the wage normally paid a nonveteran learner in this trade.

c. The starting wage shall not be less than fifty percent of the stated objective wage.

d. The wage schedule shall increase during each period of training until the employer is paying approximately ninety percent of the objective wage during the last period of training.

e. The wages shall be in conformity with state and federal laws and applicable bargaining agreements.

f. Wage schedules contained in applicable bargaining agreements, wages established by law, or other wage schedules established by large businesses which can be shown to be a matter of record will be recognized.

g. The after-training wage shall be the wage that is normally paid to a person who has had training equivalent to that contemplated by the proposed training program and who is beginning employment in the classification. Further raises which have been granted to other employees on the basis of length of service or loyalty to the firm should not be considered in determining the completion wage.

h. Since the employer is required to guarantee definite periodic wage increases, programs shall not be approved which contain a wage schedule set up on a commission basis.

#### CHAPTER 25

APPROVAL OF EDUCATIONAL INSTITUTIONS FOR THE EDUCATION AND TRAINING OF ELIGIBLE VETERANS UNDER THE SERVICEMEN'S READJUSTMENT ACT OF 1944, AS AMENDED

25.1 Colleges.

25.2 High schools.

25.3 Related courses for apprenticeship.

25.4 Schools of Bible or theology.

25.5 Schools of nursing.

25.6 Hospitals.

25.7 Schools of cosmetology.

25.8 Schools of barbering.

25.9 Flight schools.

25.10 Schools of business.

25.11 Trade schools.

25.12 Correspondence courses.

25.13 Evaluation standards.

*The following procedures, as they relate to the approval of the various types of schools, are in effect in the Iowa state department of public instruction:*

**25.1 Colleges.** All colleges, universities, and junior colleges accredited by the state department of public instruction, the Iowa committee on secondary school and college relations, or the North Central Association are approved without further inspection.

**25.2 High schools.** All high schools accredited by the department of public instruction are approved without further inspection.

**25.3 Related courses for apprenticeship.** Approved upon recommendation of the department of vocational education without subsequent inspection.

**25.4 Schools of Bible or theology.** Must be recommended by a recognized accrediting agency in the theological field. Subject to inspection following receipt of written application.

**25.5 Schools of nursing.** Must be recommended by the Iowa state board of nurse examiners. Subject to inspection following receipt of written examination.

**25.6 Hospitals.** (Residencies, medical technologists, x-ray technicians, etc.) Must be recommended by the council on medical education and hospitals, American Medical Association, and the Iowa state department of health. Subject to inspection following receipt of written application.

**25.7 Schools of cosmetology.** Must be recommended by the board of cosmetology examiners, department of health. Subject to inspection following receipt of written application.

**25.8 Schools of barbering.** Must be recommended by the board of barber examiners, department of health. Subject to inspection following receipt of written application.

**25.9 Flight schools.** Must be recommended by the U. S. civil aeronautics authority and the Iowa department of aeronautics. Subject to inspection following receipt of written application.

**25.10 Schools of business.** Subject to inspection following receipt of written application.

**25.11 Trade schools.** Same as section 25.10 above.

**25.12 Correspondence courses.** Must have operated successfully in Iowa for at least

three years. Subject to inspection following receipt of written application.

All of the above institutions, except public or other tax-supported schools, must operate successfully in Iowa for at least one year prior to approval. With respect to correspondence courses, three years of successful operation is required.

The one-year requirement may be waived when the institution submits positive evidence that the school is essential to meet the requirements of veterans in the state of Iowa.

The written application referred to in the above shall include the following information:

**25.12 (1)** Name, address, and telephone number of the school.

**25.12 (2)** Names and qualifications of owners and managers of the school.

**25.12 (3)** Statement concerning the date the school was established, and the period of time school has been under the present management.

**25.12 (4)** Statement as to the financial solvency of the school, and assurance that school will continue operations for a considerable period of time.

**25.12 (5)** Statement concerning the school's accreditation by any recognized accrediting agencies, if any.

**25.12 (6)** Statement concerning present enrollment and maximum number of students proposed to be trained in the courses at one time.

**25.12 (7)** Description of the physical plant of the school, giving the number and size of classrooms; type of heating, lighting and ventilation, blackboard space; number of toilets and lavatories; number and kinds of desks, tables, chairs and other school furniture; total floor space; and a listing of all laboratory and classroom equipment available for instruction.

**25.12 (8)** Names and educational and experience qualifications of all instructors.

**25.12 (9)** Statement of the educational prerequisite for each course.

**25.12 (10)** Statement as to the exact title of the course and specific description of the objective for which given.

**25.12 (11)** Statement as to the length of the course(s) in weeks; number of hours school is in session per week.

**25.12 (12)** A detailed curriculum must be attached showing subjects taught, type of work or skills to be learned, and approximate length of time to be spent on each.

**25.12 (13)** Samples of permanent records showing students' conduct and progress are to be enclosed, as is a sample certificate or diploma issued students upon satisfactory completion of the course of study.

**25.12 (14)** Statement as to tuition costs, and costs for required books, supplies and equipment.

**25.12 (15)** Statement concerning graduates' placement during the year preceding date of application.

**25.12 (16)** Statement that school buildings meet local and state regulations concerning fire, safety, and health.

Upon receipt of the written application, it is checked by a staff member, and if there is any merit to the application, the school is visited and a detailed inspection is made to determine the correctness of the information given in the application.

**25.13 Evaluation standards.** The following standards are used in evaluating a school:

**25.13 (1)** The curriculum and instruction must be consistent in quality, content, and length with similar courses in the public schools or other private schools with recognized and accepted standards.

**25.13 (2)** Each school must have a system for keeping attendance, progress, and placement records which is acceptable to this department. Records must be kept up-to-date and reports must be prepared and submitted as requested. Furthermore, school records must be made available for inspection on request of department representatives.

**25.13 (3)** School must have clearly stated and enforced standards of attendance, progress, and conduct. Such standards must be acceptable to this department.

**25.13 (4)** The school must give appropriate credit for previous training or experience, with training period shortened proportionately. No course of training will be considered bona fide as to a veteran who is already qualified by training and experience for the course objective.

**25.13 (5)** The school must provide the student and the veterans' administration with a copy of the approved curriculum.

**25.13 (6)** Upon completion of the training, the school must give the veteran a certificate indicating the approved course, title, and length and that the training was completed satisfactorily.

**25.13 (7)** The school must have a clear statement as to entrance qualifications and must abide by them.

**25.13 (8)** The school must have sufficient toilet facilities to adequately serve the enrollment.

**25.13 (9)** Each school must provide at least twenty-five square feet of floor space for each student in a classroom; and at least forty square feet in laboratories or shop rooms for each student training therein.

**25.13 (10)** Heat, light, and ventilation shall be adequate for the type of instruction

and enrollment in the school. Thirty foot-candles of light shall be considered minimum where reading is done.

**25.13 (11)** School buildings must meet local and state regulations concerning fire, safety, and health.

**25.13 (12)** Schools must be ethical in their advertising and solicitation. Both are subject to review and approval by this department.

**25.13 (13)** Instructors for a trade school shall have at least three years of experience in the trade as a journeyman, above the learning level. Instructors in other schools shall hold appropriate certificates, licenses, or degrees.

**25.13 (14)** The student-instructor ratio may not exceed thirty-five to one in any classroom activity, and may not exceed twenty to one in any laboratory or shop activity unless the school is licensed by another agency of the state. The ratio in flight schools must be based on requirements of the U.S. civil aeronautics authority.

**25.13 (15)** While schools may not guarantee employment upon graduation, a school should exert every effort to assist its graduates in obtaining employment.

**25.13 (16)** Tuition and other charges made by school should be clearly set out in publications of the school.

**25.13 (17)** Schools should make use of modern teaching aids and procedures.

## TITLE XIV VOCATIONAL EDUCATION

*I. Sections II-VII inclusive, Iowa State Plan for Vocational Education, for the five-year period July 1, 1947 to June 30, 1952, includes information relative to the rules and regulations for programs in Agricultural Education, Home Economics Education, Trades and Industrial Education, Distributive Education, and Guidance, which will be reimbursed from state and federal funds. Copies of the plan are filed with this report.*

*II. I.O.F.T.—B-1—Iowa Policies and Procedures for Veterans Institutional On-Farm Training, developed by the state Board for Vocational Education in co-operation with the Veterans Administration, July 1950, includes the rules and regulations for the conduct of that program in Iowa. Copies of the bulletin are filed with this report.*

*III. Reimbursement policies for the regular programs included under I. above are determined by the Board for Vocational Education and consequently are not found in the state plan referred to above. The policies currently effective are as follows:*

### CHAPTER 26

#### USE OF STATE AND FEDERAL FUNDS FOR VOCATIONAL EDUCATION

[Effective July 1, 1951]

26.1 Fund matching.

26.2 Distribution plan.

**26.1 Fund matching.** State appropriations for state administration of vocational education are to be matched one hundred percent with federal money where allowable under the federal Acts with the following two exceptions: First, any item that is questionable as far as use of federal funds is concerned, should be paid one hundred percent from state funds. Second, any item approved by the board for vocational education to be paid more than fifty percent out of state funds, does not need to be matched by federal funds.

**26.2 Distribution plan.** Balance of funds to be distributed to local school districts, and state teacher training institutions (federal funds only), according to the following plans:

**26.2 (1)** As long as funds are available, all reimbursement to be at the rate of fifty percent.

**26.2 (2)** When it is no longer possible to reimburse at fifty percent, the available funds will be prorated for each service as follows:

*a. Agriculture:*

(1) Salaries paid for young farmer and adult programs to be reimbursed fifty percent.

(2) Balance of funds to be prorated

on regular day school vocational agriculture classes.

(3) When rate of reimbursement falls to a minimum of twenty percent, no new departments will be established until sufficient funds are available to make the rate at least twenty percent for the established schools.

*b. Distributive:*

(1) Since all work reimbursed in this service is for part-time or adult classes, salaries will be reimbursed at the fifty percent rate.

*c. Home economics:*

(1) Salaries paid for part-time and adult programs to be reimbursed fifty percent.

(2) Reimbursement for summer employment to be at fifty percent rate.

(3) Balance of funds to be prorated on salaries of teachers of regular day school work.

(4) When rate of reimbursement falls to a minimum of fifteen percent, no new departments will be added for reimbursement until funds are available to make the rate at least fifteen percent for established departments.

*d. Trades and industry:*

(1) Part-time and adult classes to be reimbursed at fifty percent.

(2) Balance of funds will be prorated to the day trade classes.

(3) When rate of reimbursement on

day trade falls to fifteen percent, no new classes will be reimbursed until funds are available to make the rate at least fifteen percent for established departments.

e. General conditions applying to all services:

(1) All approved travel to be reimbursed at fifty percent of local expenditures up to and including a rate of seven cents per mile.

(2) All approvals are for current year only.

(3) All services may recommend that certain funds be set aside for special projects and studies which will further the development and improvement of the work of the state.

(4) Any increase in funds shall be used first, to maintain minimums suggested for various services; second, for new programs in school districts; third, to improve and expand going programs; fourth, to increase reimbursement up to the fifty percent rate.

Chapters 27 to 33, inclusive, are taken directly from the Iowa state plan for vocational education for the five-year period, July 1, 1947 to July 1, 1952, and correspond to items II to VII as the same appear in the draft of said plan.

## CHAPTER 27

### AGRICULTURAL EDUCATION

#### DIVISION I

##### PLAN FOR LOCAL SUPERVISION

27.1 Types of organization.

#### DIVISION II

##### PROGRAM OF INSTRUCTION

27.2 Types of classes.

27.3 Qualifications of regular teachers.

27.4 Special teachers.

27.5 Employment of teachers.

#### DIVISION III

##### LOCAL ADVISORY COUNCILS

27.6 Approval condition.

27.7 Membership.

27.8 Meetings.

27.9 Duties.

#### DIVISION IV

##### TEACHER TRAINING PROGRAM

27.10 Supervision.

27.11 Selecting trainees.

27.12 Selecting special teachers.

27.13 Technical courses for teachers.

27.14 Professional courses for teachers.

27.15 Provisions for directed teaching.

27.16 Placement.

27.17 Training teachers in service.

27.18 Research.

27.19 Developing teaching materials.

27.20 Qualifications of teacher trainers.

27.21 Duties of teacher trainers.

#### Division I

##### PLAN FOR LOCAL SUPERVISION

27.1 Types of organization.

27.1 (1) The department of vocational agriculture functions as a part of the local public school program and therefore comes under the general supervision of the superintendent of schools in accord with the policies

and provisions as set forth in the state plan for vocational education. If a school employs two or more vocational agriculture instructors, the local school shall designate one as the head vocational agriculture instructor.

27.1 (2) The employment of local or county supervisors for agricultural education is not contemplated.

#### Division II

##### PROGRAM OF INSTRUCTION

27.2 Types of classes to be conducted.

27.2 (1) *All-day classes.*

a. The instruction shall be designed to meet the needs of persons over fourteen years of age. Each class shall have a minimum enrollment of ten students who are regularly enrolled in high school. If the enrollment in a class is less than ten students due to unforeseen conditions, the school must secure the approval of the supervisor before proceeding with the class if reimbursement is to be expected.

b. A four-year course in vocational agriculture must be provided in the high school with an average of at least four hundred minutes of classroom instruction per week. A three-year course may be approved in a three-year high school.

c. The length of daily sessions must be scheduled for the thirty-six weeks of the regular school year according to Plan "A", "B" and "C".

d. A school may adopt one of the following plans:

(1) Two consecutive sixty-minute periods of instruction, five days per week, for one year, and one sixty-minute period of instruction, five days per week, for the other years, when only two all-day classes are offered.

(2) Two consecutive sixty-minute periods of instruction, two days per week, and one sixty-minute period, three days per week, for each class.

(3) Two consecutive forty-five-minute periods of instruction per day, five days per week, for each class.

e. Each student is to conduct a satisfactory supervised farming program. This farming program will ordinarily include productive projects, improvement projects and supplementary practices. Students without facilities for developing a farming program may be placed by the instructor on a farm to secure practical farm work experience. Supervised farming programs of students should continue throughout the year and on an enlarging and continuing basis from year to year. Farming programs should be planned each year, in co-operation with the parents and with the assistance of the instructor. Students will be required to use a standard vocational agriculture farming program record book. There must be definite correlation of the supervised farming programs and classroom instruction.

(1) A productive project is a business venture for profit. It usually involves a production cycle of a farm enterprise. It should be owned and managed by the student.

(2) An improvement project is designed to increase the efficiency of the home farm business, to improve the farm home and its environment or to increase the real estate value of the home farm. The student ordinarily has no direct financial benefit though he may assume considerable managerial responsibility.

(3) Supplementary farm practices are specific jobs or practices. They are usually of short duration and are in addition to any work planned as productive or improvement projects. These may contribute directly to the improvement of the home farm and farm business.

(4) Placement for farming experience of a student without a farm background or with limited facilities on his home farm may be made to replace or supplement other types of supervised practice.

f. Provision must be made by the local board of education for the instructor to provide follow-up instruction on the farm to students on their individual farming programs.

(1) The vocational agriculture teacher will be expected to make supervisory visits to all students according to their needs, throughout the year, averaging at least six each year. The purposes of these visits include providing individual on-the-job instruction, assisting with problems encountered in the students farming program, planning for the use of records and co-operating with parents.

g. The Future Farmers of America organization is an integral part of the vocational agriculture program. The instructor of vocational agriculture shall consider it one of his regular duties to supervise the activities of the local F.F.A. chapter.

h. Instruction in all-day classes shall:

(1) Be designed primarily to meet the needs of in-school youth preparing to farm.

(2) Deal with practical farm problems on the home farms of students, and related information.

(3) Include practical work in farm mechanics with adequate time provided.

(4) Provide time for laboratory work in the school.

(5) Provide time for studies and observations in the field.

(6) The course of study will include work in livestock, crops and soils, farm mechanics and farm management, with class time during the four years in high school to be distributed equally between these four general areas.

(7) Class work is to be organized to meet the needs and interests of students. It is to be based on the supervised farming pro-

gram of students, on the problems arising on their home farms and on other farms in the community.

(8) In providing a four-year training program and classes of adequate size, any two consecutive grades may be combined.

(9) The methods of instruction will be such as to best prepare the student for the occupation of farming. They will be selected so that, as effectively as possible, the abilities, skills, attitudes and understandings necessary in the successful operation of a farm can be developed.

i. Required rooms and equipment.

(1) The vocational agriculture classroom shall be fitted primarily for agricultural instruction. It must be fairly large, well lighted, equipped with running water, storage cabinets, a four-drawer filing cabinet, an instructor's desk and tables and chairs for the use of all-day, young farmer and adult farmer classes. Other rooms may be used for young farmer and adult farmer classes as needed. The room should be on the ground floor and near or adjacent to the farm mechanics room.

(2) The farm mechanics room or building shall have adequate floor space, a large door opening to the outside, be well lighted and ventilated and fitted with equipment for farm woodworking, farm machinery, farm motors, farm electrification and farm metal work.

(3) Schools maintaining vocational agriculture departments must provide classroom equipment, agricultural reference books, agricultural bulletins and farm magazines as are required by the state board for vocational education. It is recommended that a convenient telephone be available, a typewriter and stenographic help be provided, and that slide and motion picture projectors be available for use.

(4) The school district must make available a minimum of fifty dollars a year for the purchase of supplies and such materials as are needed for general maintenance exclusive of equipment for farm mechanics.

27.2 (2) *Day-unit classes.* Day-unit classes are not contemplated.

27.2 (3) *Young farmer classes.*

a. A minimum of ten students must be enrolled in each reimbursable class. The instruction shall be designed to meet the needs of persons who are fourteen to twenty-six years of age and who are farming or preparing to farm.

b. The course shall be planned for a minimum of three years with at least thirty hours of instruction provided each year.

c. Each class session shall provide a minimum of ninety minutes of instruction in agriculture.

d. In order to qualify for reimbursement, classes must meet for a minimum of twenty sessions and may be held during the



day or evening. Ordinarily one class session will be held a week with a regular monthly meeting held throughout the remainder of the year.

f. Each class member will be enrolled for a supervised farming program, or placed on a suitable farm for practical farming experience. It will be designed to assist the individuals in the class to become satisfactorily established in farming. It will include one or more productive projects, improvement projects, supplementary practices, or a partnership in farming or the operation of a farm.

g. It shall be the responsibility of the regular or special instructor to provide follow-up instruction on the farm at regular intervals to assist the student in the further study of his farm problems and the development of his farming program.

h. The instructor is to supervise activities of the group as a local organization for educational purposes to provide training in leadership, co-operation, recreation and group procedures in the community and in state-wide activities.

i. The maintenance of records of the class members is a duty of the teacher as an aid in follow-up work, in placement in farming situations and in transition to adult farmer classes.

j. It is a responsibility of the teacher to prepare reports on young farmer classes including supervised farming programs to be made to the state board.

k. The course of study in young farmer classes is to be planned in co-operation with an advisory council of representative class members. It is to be organized on a problem basis to assist the students with their problems in becoming established in farming on a satisfactory basis. The sequence of courses should be planned for succeeding years, though subject to adjustment each year to meet changing problems and situations.

l. Classes may be conducted by the regular or special instructor.

m. Classes will ordinarily meet in the school with the vocational agriculture and farm mechanics rooms and equipment available for their use.

n. The methods of instruction shall be those employed in all-day and adult farmer classes adapted to the group in attendance, with emphasis given to the farm experiences of the members of the group. Discussions, demonstrations, field trips and the use of visual aids are considered essential.

o. Young farmer classes are designed to provide systematic instruction in farming and where feasible in additional work for civic and vocational intelligence for young men who desire to establish themselves in the farming occupation.

#### 27.2 (4) *Adult farmer classes.*

a. The minimum enrollment in an adult

farmer class is at least ten farmers with an average attendance of ten or more farmers for the series of meetings.

b. The course is planned on a yearly basis with long-time objectives in view to provide continuity. A minimum of twenty hours of instruction is required each year.

c. Each class meeting shall be a minimum of ninety minutes in length.

d. Each class shall cover a minimum of ten sessions exclusive of general, social and organization meetings. The sessions will be held at such intervals and at a time of day or evening best adapted to local conditions. Ordinarily the group meets periodically during the year after the series of classroom lessons is completed.

e. It is the responsibility of the teacher to organize and supervise a follow-up program with the farmers enrolled, such work relating to the subject matter included in the evening school and including other farm problems of those enrolled. The evening school members ordinarily initiate new or improved practices in their farming programs to bring about managerial and manipulative improvements.

f. It is an important duty of the teacher to provide individual on-the-farm instruction to the individuals on their farm problems by individual visits. In addition, group meetings and demonstrations are to be used in providing practical follow-up instruction.

g. The teacher shall make reports to the state board on the lessons and follow-up instruction of the adult farmer classes.

h. The adult farmer classes are considered a regular part of the vocational agriculture program as it is organized in the public school.

i. The enrollment is confined to adult farmers, landowners and other persons directly interested in the production, handling and exchange of farm products who have common problems and interests.

j. The planning of the adult farmer program is the responsibility of the teacher with the assistance of a representative advisory council of class members.

k. The course is to be based on farm problems according to the expressed needs and interests of the group. It may include problems on several phases of farming or on one subject.

l. The plan for the adult farmer class shall be subject to approval by the state board.

m. The classes are ordinarily held in the all-day centers and use the regular classrooms and equipment. If the classes are held in some other place, equipment and supplies adequate to meet the needs of the class shall be provided.

n. The methods of instruction are largely group discussions on farming problems supplemented by reports, talks and demonstrations. The farmers are encouraged to give

their own experiences and to exchange ideas. The instructor serves as a discussion leader, contributing such information and experimental data as seems desirable in the solution and summary of the problem under consideration. Outstanding farmers and recognized authorities may be used as speakers at not more than half of the meetings on the problems selected for the course.

**27.3 Qualifications of regular teachers of all-day, young farmer and adult farmer classes.**

**27.3 (1) Education.**

a. In technical agriculture training, the teacher of vocational agriculture must have completed the prescribed four-year course in agricultural education or its equivalent in a standard agricultural college, including balanced training in livestock production, crop production and soils, farm mechanics and farm management.

b. In professional training, the teacher of vocational agriculture shall have not less than eleven quarter hours of credit in agricultural education including courses in special methods in vocational agriculture and observation and supervised student teaching in vocational agriculture in an institution approved for training teachers of vocational agriculture, the nine quarter hours of credit in educational psychology and three quarter hours in general or vocational education.

**27.3 (2) Farm experience.**

The teacher of vocational agriculture must have had at least two calendar years of experience on the farm after reaching the age of fourteen.

**27.3 (3) Provisional approval.** Provisional approval may be granted to teachers of vocational agriculture who need not more than twenty quarter hours of credit in meeting the regular standards for training in technical agriculture and in professional subjects, with preference to be given for experience in farming or in agricultural work.

**27.3 (4) Certificate.** Teachers of vocational agriculture in approved schools must have a valid regular or special vocational certificate issued by the board of educational examiners.

**27.4 Special teachers for young farmer and adult farmer classes.**

**27.4 (1) Education.** In education, the special teacher should have training beyond high school graduation, with preference given to those with special training in the type of work to be taught.

**27.4 (2) Experience.** In experience, the special teacher must have at least three and preferably five years of occupational experience in farming or in a related specialized field in the type of work to be taught.

**27.4 (3) Approval.** The qualifications of special teachers shall be subject to approval of the state board.

**27.5 Employment of teachers of vocational agriculture.**

**27.5 (1) Term.** The local board of education shall employ a qualified teacher for twelve months starting July 1 of each year, with a summer vacation not in excess of two weeks.

**27.5 (2) Transportation.** Provision shall be made for the transportation of the instructor to conduct on-the-farm teaching work, with all-day, young farmer and adult farmer class members; to visit farms and homes of students to advise on and evaluate their farming programs; to conduct a program of agricultural community work; to visit prospective all-day, young farmer and adult farmer students; to conduct and supervise the activities of the F.F.A. chapter; to survey the needs of the community for the further development of the community; to supervise students on educational field trips, to study agricultural demonstrations; to supervise students on trips to secure livestock, seed and supplies needed in their farming programs; to supervise students on educational trips, to participate in county, district and state vocational agriculture activities and F.F.A. meetings; and for other educational work of an agricultural nature subject to the approval of local school authorities and the state board for vocational education and for official conferences called by the state board for vocational education.

**27.5 (3) Leave for study.** An instructor may be granted a leave of absence for summer school work with the approval of the local board of education and the state supervisor under one of the following provisions:

a. By enrolling in agricultural education and technical agriculture courses of three weeks in length, including vacation time, without loss of reimbursement to the district.

b. By enrolling for professional improvement courses not exceeding six weeks in length including vacation time by instructors who have previously served their districts at least two years, without loss of reimbursement to the district.

c. Any other arrangement by employed teachers for attending professional and technical courses must be approved.

**27.5 (4) Superintendent.** No school shall be approved where a new position combining vocational agriculture instruction and the superintendency is created.

**27.5 (5) Principal.** No school will be approved where the vocational agriculture instructor is assigned to principalship or athletic coaching duties.

**Division III**

**LOCAL ADVISORY COUNCILS**

**27.6 Approval condition.** An approved school is expected to organize a representative local advisory council for the vocational agriculture department to assist in the development of the program in the community.

**27.7 Membership.** The advisory council is to consist of nine or more public-minded farmers in the community who are representative of the various farm elements in the community. Membership of the council is to be rotated so that one-third of the members are replaced each year. Ordinarily members of the advisory council are selected by the teacher of vocational agriculture and the superintendent of schools with the knowledge and approval of the board of education.

**27.8 Meetings.** The advisory council is to meet at least six times each year, with minutes to be kept of each meeting.

**27.9 Duties.** The duties of the advisory council are to include the following: To make recommendations to administrative authorities on policies relating to vocational agriculture; to assist in determining community needs and in planning annual and long-time programs for the community; to assist in providing continuity in the program from year to year; to assist in developing proper relationships of the vocational agriculture department in the school with the public and with the agricultural and business organizations in the community; and to provide a systematic method for giving counsel on and evaluating the vocational agriculture program.

#### **Division IV TEACHER TRAINING PROGRAM**

**27.10 Supervision.** The development of an adequate program for the selection and training of teachers of vocational agriculture is of primary importance in the development of the vocational agriculture program in the state. The Iowa State University is the approved institution in the state for the training of teachers of vocational agriculture. Under the direction of the state board for vocational education, the supervisor of agricultural education shall be responsible for the supervision of teacher training in agricultural education.

#### **27.11 Selecting trainees.**

**27.11 (1) Standards.** Trainees will be selected in order to insure an adequate supply of capable and well-trained teachers of vocational agriculture to supply the demand. Persons selected to receive training for positions in approved schools shall be chosen on the basis of farming experience, scholarship, personality and interest in teaching, in farming and in farm people.

**27.11 (2) Guidance.** Persons in training will have available guidance and counseling services from the members of the teacher training staff.

#### **27.12 Selecting, training and qualifying special teachers of young farmer and adult farmer classes.**

Short, intensive courses of instruction for special teachers of young farmer and adult farmer classes will be provided as needed.

#### **27.13 Groups of technical courses required for regular vocational agriculture teachers.**

A teacher of vocational agriculture must have completed the prescribed four-year course in agricultural education in a standard agricultural college or its equivalent including balanced training in livestock production, crop production and soils, farm mechanics and farm management, including a minimum of seventy-two quarter hours of credit in technical agriculture courses.

#### **27.14 Groups of professional courses required for regular vocational agriculture teachers.**

**27.14 (1) Credits.** A teacher of vocational agriculture must have satisfactorily completed a minimum of eleven quarter hours of credit in agricultural education including courses in special methods in vocational agriculture and observation and supervised student teaching in vocational agriculture in an institution approved for training teachers of vocational agriculture, nine quarter hours in educational psychology and three quarter hours in general or vocational education courses.

**27.14 (2) Reimbursement.** The reimbursable courses offered in the training of teachers of vocational agriculture in approved schools are agricultural education courses:

a. 321—Special methods in agricultural education (three quarter hours).

b. 424—Young farmer and adult farmer classes in agriculture (three quarter hours).

c. 425—Observation and supervised teaching in vocational agriculture (five quarter hours).

d. 490A—Special problems in agricultural education (one to five quarter hours).

e. 538—Part-time education in agriculture (two to three quarter hours).

f. 593A—Workshop in agricultural education (one to five quarter hours).

g. 604—The secondary school program of agricultural education (two to three quarter hours).

h. 690A—Research in agricultural education (one to five quarter hours).

**27.14 (3) Graduation requirements.** The satisfactory completion of at least one hundred ninety-two quarter hours of credit and two calendar years of farm experience are required for graduation in agricultural education.

#### **27.15 Provisions for directed teaching.**

Students enrolled in agricultural education and qualifying for positions in approved schools shall be required to complete work in student teaching in vocational agriculture in a vocational agriculture school which is approved by the state board for directed student teaching.

**27.15 (1) Standards.** The minimum standards for directed student teaching centers are:

a. A regularly approved vocational agriculture department with adequate rooms, li-

brary and equipment for vocational agriculture including farm mechanics.

b. A full-time program including all-day classes, a young farmer class or an adult farmer class and preferably both, and an active F.F.A. chapter, all of normal size.

c. A department with an outstanding program of supervised farming activities and community agricultural work.

d. An instructor with at least three years of successful teaching experience in vocational agriculture, who is enthusiastic in his work.

e. A school board and superintendent who are in sympathy with the purposes of directed student teaching in vocational agriculture and willing to co-operate in the work.

**27.15 (2) Experiences.** The participating experiences required of students enrolled for directed teaching are:

a. The planning and supervision of farming programs with all-day students.

b. The organization of the course of study for all-day classes.

c. The planning and supervision of F.F.A. chapter program.

d. The organization of young farmer instruction, including the supervision of their farming programs, or adult farmer instruction.

e. The organization of adult farmer instruction including follow-up work, or young farmer instruction.

f. Maintaining school and community relationships.

g. Planning a vocational agriculture program for the year and on a long-time basis, including the use of an advisory council.

h. Equipment and reference materials, including farm mechanics.

i. Follow-up and establishment of former students in farming.

j. Planning a program of professional improvement.

k. Keeping adequate records and reports.

l. Studying individual and community needs.

m. Evaluating a vocational agriculture program.

**27.15 (3) Time allotted for directed teaching.** Each student shall be required to spend six weeks in residence in directed student teaching. In addition, each student is to visit a minimum of ten approved departments in the state.

**27.15 (4) Plan for supervision of directed student teaching.** The supervision of students enrolled for directed student teaching shall be the responsibility of a member of the teacher training department and the instructor in the student teaching center.

**27.16 Placement.** The placing of persons qualifying as teachers of vocational agricul-

ture is a joint responsibility of a member of the teacher training department and the state supervisor.

**27.17 Provisions for continuing training for teachers in service.**

**27.17 (1) Professional follow-up.** Professional and technical follow-up of first year teachers shall be planned in co-operation with the state supervisor to determine the effectiveness of the teacher training program, and the problems confronting vocational agriculture teachers and in maintaining close contact with developments in the program in the state.

**27.17 (2) Summer school.** The teacher training department shall arrange for resident under-graduate and graduate technical and professional courses during the regular summer session and for special short courses, and co-operate with the state board in state and district conferences and special meetings designed to give instruction which will lead to the improvement of the teacher's work.

**27.17 (3) Short courses.** Short, intensive, technical, professional and skill courses may be provided on or off the campus as needed in providing training for vocational agriculture teachers.

**27.17 (4) In-service training.** Individual in-service training of vocational agriculture teachers will be provided by members of the teacher training staff through individual conferences at the college as arranged.

**27.18 Research.** Provisions for conducting research and studies in agricultural education and disseminating and utilizing results shall be made in co-operation with the state board for the purpose of contributing to the development of the vocational agriculture program in the state by assigning a portion of the time of a member of the teacher training staff to this work and in assisting graduate students in this work.

**27.19 Provisions for developing teaching materials for employed teachers.**

**27.19 (1) Methods.** The preparation of materials on methods of classroom and on-the-farm teaching will be prepared as requested.

**27.19 (2) Use.** Plans are to be made to instruct teachers in the use of teaching materials in summer session courses and in regular conferences.

**27.20 Qualifications of teacher trainers.**

**27.20 (1) Resident teacher trainer—education:**

a. In technical agriculture training, he shall have completed the prescribed four-year course in agricultural education in a standard agricultural college or the equivalent.

b. In professional training, he shall have not less than eleven quarter hours of credit in agricultural education including courses in special methods, and in practice teaching in

vocational agriculture, nine quarter hours in psychology and three in general education. He shall have a master of science degree with a major in agricultural education from a standard agricultural college. He shall have training and demonstrated ability in making studies and in research.

**27.20 (2) Experience:**

a. In farming experience, he shall have at least two calendar years after fourteen years of age.

b. In teaching experience, he shall have at least five years in vocational agriculture in approved school and must be or recently have been engaged in some recognized phase of the program of vocational education in agriculture. Experience in a responsible administrative or supervisory position in vocational education in agriculture or as an instructor in a student teaching school will be given preference.

c. He shall have ability as a leader and organizer, be familiar with farming and with current agricultural problems and have a wholesome attitude toward rural life.

**27.20 (3) Supervising teachers.**

He shall have the same qualifications as resident teacher trainers except that eight quarter hours of graduate credit with a major in agricultural education will be accepted in lieu of a master of science degree and training in research will not be required.

**27.21 Duties of the teacher training staff.**

**27.21 (1) Courses taught.** The kinds of courses to be taught will include under-graduate and graduate courses in agricultural education.

**27.21 (2) Follow-up.** The follow-up of first-year teachers is to be planned in co-operation with the state supervisor to determine the effectiveness of teacher training in developing effective vocational agriculture programs.

**27.21 (3) Itinerant service.** Itinerant service to employed teachers may be provided upon request of the state board.

**27.21 (4) Materials.** The preparation of teaching materials is considered to be a function of teacher training in co-operation with the supervisor in meeting specific problems of vocational agriculture teachers, for aids in classrooms and on-the-farm teaching.

**27.21 (5) Supervision.** The supervision of directed student teaching centers is a responsibility of a member of the resident teacher training staff in agricultural education.

**27.21 (6) Research.** Research and studies in vocational education in agriculture if reimbursed are to be made by designated members of the teacher training staff upon request of the state board.

**27.21 (7) Course improvement.** Improvement in the content and teaching of technical

courses offered in the agricultural education curriculum, based on the objectives for vocational agriculture in the state and upon the abilities needed by teachers of vocational agriculture, is to be emphasized.

**27.21 (8) Reports.** The preparation of all official reports requested by the state board and the Vocational Division, U. S. Office of Education.

CHAPTER 28  
DISTRIBUTIVE EDUCATION

DIVISION I  
LOCAL SUPERVISION

- 28.1 Reimbursement.
- 28.2 Duties of local supervisors.
- 28.3 Qualifications of local supervisors.
- 28.4 Experience.

DIVISION II  
PROGRAM OF INSTRUCTION

- 28.5 Evening classes.
- 28.6 Part-time classes.
- 28.7 Special classes, out-of-school youth.
- 28.8 Qualifications of teachers and co-ordinators.
- 28.9 Qualifications, teachers of related subjects.
- 28.10 Qualifications of enrollees.
- 28.11 Time schedule—instruction and employment.
- 28.12 Time in part-time classes.
- 28.13 Local advisory committees.

DIVISION III  
TEACHER TRAINING PROGRAM

- 28.14 Location.
- 28.15 Types of teacher training.
- 28.16 Extension teachers.
- 28.17 Qualifications for entrance.
- 28.18 Observation and directed teaching.
- 28.19 Provisions for research.
- 28.20 Qualifications of trainers.
- 28.21 Duties of trainers.

Division I  
LOCAL SUPERVISION

**28.1 Reimbursement.** When local boards of education appoint qualified local supervisors for business education, the portion of their time devoted to supervision of the distributive phase of business education may be reimbursed from federal funds.

**28.2 Duties of local supervisors.**

**28.2 (1) Promotion.** To promote the establishment of additional distributive education service in the local area. This shall include both adult extension and co-operative programs.

**28.2 (2) Discovery.** To discover in what ways local distributive teachers can be helped.

**28.2 (3) Improvement.** To aid in the professional and instructional improvement of local teachers.

**28.2 (4) Co-ordination.** To co-ordinate the distributive activities with education and business interests.

**28.2 (5) Co-operation.** To co-operate with the state department in improving the local work in distributive education.

**28.3 Qualifications of local supervisors — educational:**

**28.3 (1) Vocational subjects.** He shall be a graduate of a recognized four-year college course and shall have completed twenty-four quarter hours of vocational subjects. Local supervisors may be approved provisionally with less than the entire twenty-four quarter hours of vocational subjects.

**28.3 (2) Technical subjects.** He shall have a minimum of twelve quarter hours in such technical subjects as marketing, merchandising, advertising, principles of retailing and selling.

**28.3 (3) Vocational education.** He shall have a minimum of nine quarter hours in approved vocational education subjects selected from:

a. History and philosophy of vocational education.

b. Co-operative part-time programs in distributive education.

c. Adult programs in distributive education.

d. Methods of selecting and training business teachers.

e. Preparation and use of educational materials for vocational education.

*Note: All of these courses will be required of local supervisors within a reasonable time after appointment.*

**28.4 Experience:**

**28.4 (1) Practical.** He shall have had three years of practical working experience as a wage earner in the distributive field.

**28.4 (2) Teaching.** He shall have had three years of recent teaching experience, two years of which shall have been in distributive education in a school or distributive business.

**28.4 (3) In-service.** One year of either teaching or work experience may be gained in service in which case approval shall be conditional upon his obtaining the experience within a definite time limit.

**Division II**  
PROGRAM OF INSTRUCTION

**28.5 Evening classes.**

**28.5 (1) Distributive occupations.** Distributive occupations are those followed by workers directly engaged in merchandising activities or in direct contact with buyers and sellers when:

a. Distributing to consumers, retailers, jobbers, wholesalers, and others the products of farm and industry.

b. Managing, operating, or conducting a commercial service or personal service business or selling the services of such a business.

c. Distributive occupations do not include clerical occupations such as stenography, bookkeeping, office clerical work, and the like; nor do they include trade and industrial work followed by those engaged in railroading,

trucking or other transportation activities. It does not include clerical occupations nor trade and industrial work although such workers may meet the consumer.

**28.5 (2) Limitations.** Instruction must be limited to vocational or related distributive subjects which are supplemental to the daily employment, or which will prepare workers in a distributive occupation for changing to a related kind of work in another distributive occupation.

**28.5 (3) Vocational distributive subject.** A vocational distributive subject is one which will increase the skill, technical knowledge, occupational information or judgment of workers engaged in that specific occupation.

**28.5 (4) Related subject.** A related distributive subject is one which will enlarge the vocational knowledge, understanding, morale or judgment of workers from one or more distributive occupations.

**28.6 Part-time classes.****28.6 (1) Extension:**

a. Classes for the instruction of any group of regularly employed distributive workers who can attend a part-time school for only a few hours a week over a period usually of several weeks.

b. Short intensive courses organized for special groups of distributive workers who can leave their regular employment to attend classes for a substantial portion of the time over a period of only a few days.

c. The instruction must be limited to vocational or related distributive subjects which are supplemental to the daily employment as defined for the evening distributive classes.

**28.6 (2) Co-operative:**

a. Co-operative part-time classes organized and conducted on a school-and-employment schedule which combine vocational and related instruction with occupational experience in the kind of job in which the trainee expects to become a full-time worker. Co-operative classes must be organized and administered so as to provide for regular employment in stores and other distributive businesses.

**28.7 Special training or classes for out-of-school youth.**

**28.7 (1) Class programs for out-of-school youth in distributive occupational subjects:**

a. These classes shall be organized to provide instruction suitable to increase the civic or vocational competency of out-of-school youth employed in distributive occupations or unemployed but qualified and desiring to enter a distributive occupation.

b. Youth entering these classes must have legally left the full-time school, may be employed or unemployed, and must be sixteen years of age or over.

c. Classes may be organized to meet at any suitable hour. The work shall be given in short units organized upon a practical basis and to give youth technical and related information to increase his employability.

**28.7 (2) Work experience programs for out-of-school youth in distributive occupations:**

a. This program shall be organized to provide supervised on-the-job instruction, usually on an individual basis for employed out-of-school youth sixteen years of age or over working in distributive occupations.

b. The instruction will be given usually during the working hours of the trainee by the employer or co-ordinator. This instruction shall be agreed upon by the employer, the trainee, and the co-ordinator and shall be based on an adequate job breakdown.

c. No reimbursement to local districts for any salary paid an employer for on-the-job instruction of his employees shall be made unless he is employed by the local board of education as a part-time teacher, meets the qualifications for such a teacher and the instruction is given outside of working hours.

**28.7 (3) Evening programs.** Either of these programs may be co-ordinated as are evening programs.

**28.8 Qualifications of teachers and co-ordinators.**

**28.8 (1) Evening extension classes (adult):**

a. Education: An evening school instructor, giving fifty percent or more of his time to teaching, must be a high school graduate or the equivalent and must have taken or be taking sixty clock hours of special teacher training courses provided by the state board for vocational education. An evening school instructor, employed on an hourly basis for only a few hours per week, shall have sufficient education to conduct his class and shall be willing to accept and use suggestions from a supervisor.

b. Experience: He must be at least twenty-five years of age and be proficient in the distributive occupation to be taught. He must have had at least three years of wage earning experience in the distributive field to which the instruction is related.

*Note: Co-ordination of evening school classes shall be done by local vocational directors, distributive supervisors or qualified distributive teachers.*

**28.8 (2) Part-time extension classes:**

a. Education: Same as for evening school teachers with the addition that if part-time classes are organized as a part of a regular day school program, the instructor must be certified as a secondary school teacher.

b. Experience: Same as for evening school teachers.

*Note: Co-ordinators must qualify as under evening schools.*

**28.8 (3) Part-time co-operative classes:**

a. Education: He must be certified as a secondary school teacher and shall meet the qualifications set forth under sections 28.16 (2), 28.15 (1) and 28.15 (2a). Credit shall be given for work experience that parallels any of these courses.

b. Experience: He must be at least twenty-five years of age and be proficient in a distributive occupation as well as having had at least two years of practical experience as a wage earner, at least one year of which shall have been in the field of distribution.

*Note: Co-ordinators shall be qualified as for evening classes.*

**28.8 (4) Class programs for out-of-school youths:**

These teachers shall qualify as part-time extension class teachers.

**28.8 (5) Work experience programs:**

There are no requirements for employer trainers except that they shall be able and willing to teach the employee.

**28.9 Qualifications of teachers of related subjects.**

**28.9 (1) Education:** Related subject teachers must be proficient in the branch they are to teach, shall be at least twenty-five years of age and shall have had or be taking a course in the history and philosophy of vocational education. When the related work is given for high school credit the teacher must hold a valid secondary school certificate.

**28.9 (2) Experience:**

a. They shall have had at least one full year's experience as a wage earner in the distributive field.

b. Except in the case of night school teachers related subjects teachers shall have had experience in teaching.

**28.10 Qualifications of enrollees.**

**28.10 (1) Age.** Pupils in either part-time or evening classes shall be sixteen years of age or older.

**28.10 (2) Work.** Pupils shall be employed in a distributive occupation or in other work involving contact with consumers.

a. Part-time pupils are those who have legally left the full-time school and are employed as above or who have been legally employed but are temporarily without employment.

b. A part-time pupil should receive wages for the time he is employed comparable with other employees and his ability.

c. A part-time pupil must be employed for as many or more hours per week as are spent in school.

d. Evening school pupils shall have legally left the full-time public school.

**28.10 (3) Ability to profit by instruction.**

a. It is assumed that a part-time pupil who is giving satisfaction in a distributive occupation can profit by related instruction.

In the case of the co-operative part-time pupil the teacher or co-ordinator should interview and test, so far as possible, all pupils before enrollment is final. When it can be arranged, a one-semester elective course should be arranged for the pupils who are planning to elect the co-operative course the following year. This course should be taught by the retailing teacher or co-ordinator but is not reimbursable from federal funds.

b. Instruction in part-time classes must be related as closely as possible to daily employment; therefore, classes should be as homogeneous as possible. When numbers are large enough for two classes this must be considered in making up the classes.

#### **28.11 Time schedule—instruction and employment.**

**28.11 (1)** The time given to instruction of part-time pupils shall not exceed each day, week, or other unit of time, the number of hours that the pupils are employed during the same unit of time.

**28.11 (2)** Evening school classes may be held at any time day or night that the enrollees can meet. The class meets in the nonworking hours of the worker.

#### **28.12 Minimum time in co-operative part-time classes.**

##### **28.12 (1) Vocational instruction:**

a. The time for vocational and related instruction shall not exceed the time given to employment. This should be met by an alternating program of school and work but the periods of alternation shall not be longer than two weeks.

b. The time for instruction shall not exceed the hours of work for the school year but work on Saturdays and holidays within the school year may be counted. Three plans for meeting the requirements may be used.

##### **28.12 (2) Alternative plans.**

*Plan A:* For a co-operative part-time program covering two school years of at least thirty weeks each, the equivalent of at least one regular class period a day is devoted to vocational and related instruction.

*Plan B:* In a co-operative part-time program covering only one school year of at least thirty weeks, the equivalent of at least two regular class periods a day is devoted to vocational and related instruction.

*Plan C:* In a co-operative part-time program for persons who have completed a minimum of two high school units of credit in such vocational subjects as retail bookkeeping, business arithmetic, business economics, salesmanship, merchandise studies, retailing and advertising, under vocationally competent instructions in the all-day school, the equivalent of one regular class period a day is devoted to vocational and related instruction.

##### **28.12 (3) Employment in distributive occupations:**

The minimum time to be given to regular

employment shall average fifteen hours per week for a minimum of thirty weeks.

a. Extension classes. Reimbursement may be made for time spent in co-ordinating activities by a qualified local supervisor or teacher. This time given to any group, however, should not be excessive.

b. Co-operative part-time classes. Reimbursement may be made for time spent in co-ordination of co-operative part-time classes. A co-ordinator may be a distributive teacher, a supervisor who gives part-time to co-ordination or may in some circumstances be a full-time co-ordinator.

**28.13 Local advisory committees.** The use of local advisory service committees is recommended in addition to the over-all local vocational education advisory committee. These service committees should be set up by the local board of education to give advice and counsel to the local administrators and supervisors regarding the distributive work to be done in their particular field.

The details as to selection, term of office, etc., shall be left to the local board of education.

### **Division III**

#### **TEACHER TRAINING PROGRAM**

**28.14 Location.** Preservice and in-service teacher training will be maintained by the state board and co-operating state teacher training institutions. The state board will also co-operate with local school districts employing a local supervisor in the training of teachers in service.

**28.14 (1)** The state board through the state supervisor and itinerant teacher trainers will be responsible for the training of teachers in service. This will be done through unit courses, work shops, conferences, and personal visits to the teacher.

**28.14 (2)** State College of Iowa is designated as an institution for teacher training in the distributive phases of business education. The State University of Iowa is designated as an institution for graduate teacher training in the distributive phases of business education and to give courses for administrators in vocational education.

**28.14 (3)** In cities employing a local supervisor for business education, a portion of his time may be given to training local distributive teachers provided he meets the qualifications of a local co-ordinator or supervisor. In all cases reimbursed local programs of teacher training must be approved by and under the direct supervision of the state board for vocational education.

#### **28.15 Types of teacher training.**

##### **28.15 (1) Preservice:**

a. Extension teachers (adult and part-time, except co-operative classes): Persons who are vocationally qualified may take the required special teacher training courses before entering upon teaching provided they are



definitely planning to become teachers of adult classes.

*b.* Co-operative part-time: These teachers must have taken at least one-half of the required hours of teacher training courses listed under section 28.16 (3) "a" before entering upon distributive teaching.

*c.* Related subject teachers: These teachers may take the required teacher training course in history and philosophy of vocational education before entering upon distributive teaching.

**28.15 (2) In-service:**

*a.* Extension teachers (adult part-time, except co-operative, classes): Teachers of adult classes may take the required special teacher training courses after starting to teach.

*b.* Co-operative part-time teachers who have not completed the required courses may have a reasonable time (usually not to exceed two calendar years) in which to complete the work.

*c.* Related subject teachers who have not completed the required course in history and philosophy of vocational education must complete this work within one calendar year.

**28.16 Course of study for training.**

**28.16 (1) Extension teachers (adult and part-time, except co-operative, classes).**

*a.* Courses—sixty clock hours.

\*Conference leading and methods—fifteen hours.

\*Occupational analysis and curriculum building—fifteen hours.

\*Technique of teaching adults — fifteen hours.

Foundations of vocational education — fifteen hours.

Co-ordination of part-time education — fifteen hours.

*b.* Included above.

*c.* Each unit must be completed within a six-months period. Upon satisfactory completion of this sixty clock hours of work, a teacher otherwise qualified will be issued a vocational certificate attesting his completion of the work.

*d.* Extension teachers must give evidence that they are keeping their occupational knowledge up to date through continuing contact with business. This is done through recent successful employment in the lines of business to be taught.

**28.16 (2) Co-operative part-time teachers.**

*a.* Courses:

*Professional* (six hours required).

History and philosophy of vocational education—two quarter hours.

Co-operative part-time programs in distributive education—two quarter hours.

Adult programs in distributive education—two quarter hours.

\*Required courses

Occupational analysis and curriculum building—two quarter hours.

*Technical courses required.*

Materials of merchandising—textiles—three quarter hours.

Materials of merchandising—nontextiles—three quarter hours.

Salesmanship—two quarter hours.

Advertising—three quarter hours.

Marketing—three quarter hours.

Retail store operation—three quarter hours.

Retail merchandising—three quarter hours.

A total of thirty quarter hours of technical subjects is required.

*Related courses required.*

Courses in the following closely related subjects are required—accounting, economics, business law and labor problems.

*Provisional approval* may be given for teachers not meeting all of these requirements if they have worked out a satisfactory plan for meeting the requirements.

Shall hold at least standard secondary teacher's certificate.

*b.* Included above.

*c.* Any course started must be completed within one calendar year.

*d.* Co-operative part-time teachers must keep in touch with business by working in stores for at least three months every three years. This work should be varied rather than in just one kind of employment.

**28.16 (3) Related subjects teachers.**

*a.* Courses:

History and philosophy of vocational education—two quarter hours—is required of all related subjects teachers.

In addition they must hold valid secondary school teachers certificates if the work is given for credit and must present evidence of ability in the line of work to be taught.

*b.* Given above.

*c.* The required course must be completed within one calendar year.

*d.* Does not apply.

**28.17 Qualifications for entrance in a teacher training program.**

**28.17 (1) Preservice classes.**

*a.* Extension teacher trainees shall be proficient in the distributive occupation to be taught and have had three years of practical experience as wage earners in the field to which the instruction is related. They shall be high school graduates and at least twenty-five years of age.

*b.* Co-operative part-time teacher trainees shall have had or shall have completed before entering distributive teaching at least two years of wage earning experience in the distributive field. This may be obtained during two academic years while in school provided the work is organized and supervised by the college giving teacher training.

They shall obtain before entering a teaching position a valid state teacher's certificate

for secondary school and shall be at least twenty-five years of age.

c. Related subject teacher trainees shall have had or shall have completed before entering distributive teaching at least one year of wage earning experience in the distributive field. This may be obtained during one academic year while in school provided the work is organized and supervised by the college giving teacher training. They shall obtain before entering a teaching position a valid state teacher's certificate for secondary school and shall be at least twenty-five years of age.

**28.17 (2) In-service classes.** To be eligible for in-service training a teacher must be employed in a distributive program.

**28.18 Provisions for observation and directed training.** No provision at present.

**28.19 Provisions for conducting, disseminating, and utilizing the results of research and studies.**

The state supervisor of distributive education shall be responsible for conducting, disseminating, and utilizing of all research and studies in his field when reimbursed from state or federal vocational funds. All work of this nature shall have the approval of the state director.

**28.20 Qualifications of teacher trainers.**

**28.20 (1) Resident and itinerant teacher trainers—education:**

a. Technical—He shall have taken technical courses in the field of business including marketing, merchandising, advertising, selling, textiles, and other basic materials of merchandising.

b. General—He shall be a graduate of a recognized four-year college with a major in the field of business education, business administration or marketing.

c. Professional—He must have the equivalent of forty-five quarter hours in approved professional education courses including:

(1) History and philosophy of vocational education.

(2) Co-operative part-time programs in distributive education.

(3) Adult programs in distributive education.

(4) Making and utilizing job analysis for the training of teachers in the distributive trades field.

(5) Methods of training part-time and evening school teachers and supervisors for distributive classes.

(6) Conference methods. He shall have qualifications for and shall give evidence of ability in leadership and organization and his general education shall have included training in this field.

**28.20 (2) Experience.**

a. Practical working experience in dis-

tributive occupations. He shall have had such experience in the distributive field as to give him an appreciation of the types of work to be performed in various distributive occupations. A minimum of three full years of experience as a wage earner in the distributive field will be required.

b. Teaching experience in business or distributive classes. He shall have had four years of teaching in the field of business education, at least two of which shall have been with distributive classes. This experience must include a minimum of two years teaching in part-time or evening school classes which were organized for employed adults.

c. Supervisory or administrative experience.

(1) He shall have had a minimum of two years of recent experience in the supervision and administration of an approved program of distributive education.

(2) This experience shall have included the directing and aiding of teachers in conducting their class instructions and assisting them in analyzing and organizing their teaching material and in improving their teaching ability.

**28.20 (3) Supervising teachers in practice schools.** The board for vocational education may, at its discretion, select suitable schools as practice teaching centers for distributive education.

**28.20 (4) Research and subject matter specialists.** No training in this field is anticipated.

**28.21 Duties of teacher trainers.**

**28.21 (1) Kinds of courses to be taught.** Only professional vocational education courses may be given for reimbursement such as:

a. History and philosophy of vocational education.

b. Co-operative part-time programs in distributive education.

c. Adult programs in distributive education.

**28.21 (2) Follow-up of beginning teachers.** Teacher trainers shall arrange with the state department of vocational education to make follow-up visits to beginning teachers.

**28.21 (3) Itinerant service.** Itinerant teacher training service shall be arranged by the state department of vocational education and will consist of such courses or special help to the teacher as needed.

**28.21 (4) Supervision of directed teaching.** No provision at present.

**28.21 (5) Research, studies, and preparation of teaching materials.** All work of this nature must be arranged with the state department of vocational education.

**28.21 (6) Training conferences and courses for special groups.** Teacher trainers may be called upon by the state supervisor to help

with conferences when needed or to give special short unit technical courses to selected groups of teachers.

CHAPTER 29  
HOME ECONOMICS

DIVISION I  
LOCAL SUPERVISION

- 29.1 Local supervisors.
- 29.2 Duties.
- 29.3 Qualifications.

DIVISION II  
INSTRUCTION PROGRAM

- 29.4 Purposes of programs.
- 29.5 Program characteristics.
- 29.6 Conditions for organizing.
- 29.7 Plan "A"—In-school groups.
- 29.8 Plan "A"—Out-of-school groups.
- 29.9 Plan "B".
- 29.10 Smith-Hughes programs for in-school groups.
- 29.11 Regular day classes.
- 29.12 Smith-Hughes programs for out-of-school groups.
- 29.13 Local advisory committees.

DIVISION III  
TEACHER TRAINING PROGRAMS

- 29.14 Institution relationships.
- 29.15 Preservice.
- 29.16 Home economics.
- 29.17 Duties of trainers.
- 29.18 Qualifications of trainers.
- 29.19 In-service training.
- 29.20 Graduate programs.
- 29.21 Research in home economics.

Division I  
LOCAL SUPERVISION

**29.1 Local supervisors.** Part or full-time local supervisors may be approved in centers where there are three or more teachers. These teachers should meet approval for vocational homemaking and their programs meet the standards for vocational homemaking programs in this state. The amount of time approved will depend upon the extent of the supervision.

**29.2 Duties.** Duties of local supervisors including responsibility for nonreimbursed programs. A local supervisor shall be responsible for all approved programs in the local center. Duties shall include:

**29.2 (1)** Teacher training for the professional improvement of teachers in service.

**29.2 (2)** Promotional activities and surveys to guide the development of the local program.

**29.2 (3)** Responsibility for co-operation with the state supervisor of homemaking education in all phases of the program.

**29.3 Qualifications.** A local supervisor shall meet the same qualifications as approved teachers in local vocational homemaking programs and the following additional qualifications:

**29.3 (1) Education.** She shall have at least twenty-two quarter hours of graduate

work, some of which have been in home economics education and including a course in supervision.

**29.3 (2) Experience.**

*a. Homemaking:* Homemaking experience is necessary. A statement concerning the character and amount of experience will be formulated when some means is determined to evaluate such experience.

*b. Teaching:* She shall have at least three years of successful home economics teaching experience, including both day school and adult evening school classes in a vocational program.

*c. Other leadership:* She shall have demonstrated administrative ability and ability to promote, organize and direct a program in day school, part-time, and adult education.

Division II  
INSTRUCTION PROGRAM

**29.4 Purposes of programs.**

The controlling purpose of vocational education in home economics is to provide instruction which will enable individuals and families to improve the quality of their family life through the more effective development and utilization of human and material resources. This can be accomplished through various types of programs.

**29.4 (1) Instruction for day school pupils** fourteen years of age and over which will prepare them for the responsibilities and activities involved in their present home living and in the homes which they will establish in the future.

**29.4 (2) Instruction on pursuits and occupations** which are based upon or related to homemaking for individuals over fourteen years of age who have entered upon employment and spend part of their time in school.

**29.4 (3) Opportunities for adults** to gain a better understanding of their responsibilities for home and family life and its improvement, and to help them solve personal and home problems.

**29.5 Program characteristics.** The following characteristics are essential in a vocational education program in home economics for the satisfactory achievement of the purposes set forth above:

**29.5 (1)** The curriculum deals with the fundamental values and problems in the several aspects of home living and homemaking.

**29.5 (2)** Problems studied are derived from the needs and concerns of the individuals served, taking into consideration their maturity and experience.

**29.5 (3)** The individuals reached through the program are sufficiently mature to develop a realization of the importance of homemaking and increasingly assume managerial responsibilities in the home.

**29.5 (4)** The total program is sufficiently intensive and extensive to enable the individuals served to participate effectively in homemaking and in community activities affecting the home.

**29.5 (5)** Over a period of years the program in any one center meets the homemaking needs of the various age groups taking into account other educational opportunities which the home, the school, and the community provide.

**29.5 (6)** The people in the community understand and participate in the program.

**29.5 (7)** Administrative arrangements and relationships are of a kind to facilitate maximum development of the program.

**29.5 (8)** Continuous evaluation of the program is carried on and is used as a basis for changes in the program.

**29.6 Local programs to be reimbursed and conditions for organizing each.**

Where George-Barden funds are to be used. Two plans for programs may be authorized in this state. They are described below as plan "A" and plan "B".

**29.7 Plan "A" for in-school groups.**

(Note: To be followed by all schools unless there is a special agreement with the state board to work under Plan "B".)

**29.7 (1) Instruction.** Instruction should include the following aspects of homemaking:

a. Selection and purchase of goods and services for the home and for family members.

b. Achievement and maintenance of satisfying personal and family relationships.

c. Selection, preparation, serving, conservation, and storage of food for the family.

d. Selection, care, renovation, and construction of clothing.

e. Guidance and care of children.

f. Selection and care of the house and of its furnishings.

g. Selection, use and conservation of household equipment.

h. Achievement and maintenance of health and home safety.

i. Home care of the sick, and first aid.

j. Consumer responsibility and relationships.

k. Selection and provision of educational and recreational experiences for family members.

Consideration should be given to optimum time allotment and sequence for each aspect of homemaking so that a well-rounded program will be offered.

**29.7 (2) Material.** Space, equipment, maintenance, and teaching materials. Such space, equipment, maintenance, and teaching materials should be provided and so arranged as to facilitate effective learning in all the various aspects of homemaking. The school lunch

and the homemaking departments should be housed in separate quarters.

**29.7 (3) Location of department.** A homemaking department housed in the main school building is preferable to one housed in a separate building. The rooms should be above ground level.

**29.7 (4) Equipment and furnishings.\*** Equipment in a homemaking department should be in keeping with economic levels in the community and should be selected in accordance with recommendations of recent studies. Furnishings should be such as will give the department a home-like atmosphere.

**29.7 (5) Maintenance.** Financial provisions should be made for maintenance of the department including such items as upkeep, repair and replacement, and the addition of new equipment which is needed, relative to all the various aspects of the program and in keeping with accepted standards.

**29.7 (6) Budget.** Each local board should approve a budget previous to the beginning of the school year based upon the recommendations of the homemaking teacher and the local administrator. This budget should provide school funds for new equipment and furnishings, maintenance, teaching materials, and such other items as are necessary to maintain an effective program.

**29.7 (7) Plan.** It is recommended that each school have a long-time plan to provide for department improvement.

**29.7 (8) Teaching materials.\*** Provision should be made for books, bulletins, pamphlets, magazines, audio-visual aids, other instructional supplies, etc., for all the various aspects of the program.

**29.7 (9) Program organization.** When schools operate on a six-period day, one period or approximately sixty minutes per school day throughout the school year shall be allowed for each class in homemaking.

When schools operate on an eight-period day, two periods or approximately eighty consecutive minutes per school day throughout the school year shall be allowed for each class in homemaking.

Two full years of homemaking shall be offered. Additional years of homemaking may be offered.

Schools offering two full years of vocational homemaking may also offer semester courses in the junior and senior years. Such courses may be of the laboratory or nonlaboratory type. The amount of time allowed per day shall be not less than that required for other subjects for full credit for one semester.

Directed home experiences will be provided in every program.

**29.7 (10) Related subjects.** Approval will not be given for the reimbursement of related subjects.

\*Revised supplements will be supplied periodically to describe details.

**29.7 (11) Teachers' schedules.** Home economics salary funds may be used for reimbursement on the home economics teacher's salary for:

a. Scheduled classes. Time devoted to teaching vocational classes in home economics for high school pupils, elementary school pupils over fourteen years of age, older youth, and adults.

b. Regularly scheduled conference periods for work with individual pupils on directed home experiences. The teacher shall have the equivalent of one period each day during the week for supervision of individual problems. If it is the policy of a school to allow each teacher one free period per day the conference period shall be in addition to the free period.

c. Work in connection with the Future Homemakers of America. This is an integral part of the home economics education program and will be approved as such. It is strongly recommended that time be allowed in the teacher's schedule if she is to serve as an adviser to an F.H.A. chapter.

d. Instruction for out-of-school groups. It is strongly recommended that time be allowed during the school day for conducting homemaking instruction for out-of-school groups. It is also strongly recommended that time be allowed in the schedule for promotion and organization of such educational activities and follow-up of the students.

e. Employment beyond the regular school year. It is strongly recommended that the teacher be employed at least one month additional to the regular school term for making home and community contacts, and working with day school as well as out-of-school groups.

f. Local studies and community contacts. Time of teachers may be devoted to the making of other community contacts needed for adequate program planning and development.

g. Correlated work. When adequate attention has been given to those items that a community considers essential parts of its basic program, reimbursement may be made for a reasonable amount of time in the teacher's schedule (not more than twenty percent) for the development and correlation with homemaking education of such work as nutrition education in connection with the school lunch; assistance to elementary school teachers on programs of education for home living; and assistance to programs of education for home living on the secondary school level.

**29.7 (12) Qualifications of teachers.**

a. Home economics teachers—education.

The teacher shall have been graduated from a four-year course in home economics from an accredited college or university. Other requirements for approval are:

She shall hold an active certificate issued by the board of educational examiners of Iowa.

Her technical and professional credits shall

be not less than the minimum required in each of the areas as stated in section 31.9 (2), program of teacher training, and shall include the following:

Residence in a home management house.

Child or adolescent psychology.

Child development.

Methods of teaching home economics.

Supervised teaching.

Methods for adult education in home economics.

Credits in the last three named shall have been granted by an institution approved for training teachers for vocational home economics.

The following courses are strongly recommended:

Family relationships.

Curriculum planning.

Evaluation.

Approval of any one teacher shall be for a period of three years. Renewal of approval shall be dependent upon evidence of professional growth within this three-year period.

Such evidence, in addition to evidence of successful experience and participation in state board called conferences, may include college credits earned, participation in approved non-credit workshops, and continued active participation on state curriculum committees.

In cases of emergency, annual temporary approval may be granted to an individual on request of the local school administrator who wishes to employ her. In such cases the individual to be approved shall have been graduated from a four-year curriculum in home economics from an accredited college or university and shall lack not more than approximately ten percent of the total number of credits required, as outlined in section 31.9 (2), program of teacher training. She shall indicate her intentions of removing the deficiencies within a reasonable length of time.

b. Home economics teacher—experience: In addition to residence in a home management house, the teacher should have had practical experience in homemaking. A statement concerning the character and amount of experience will be formulated when some means is determined to evaluate such experience.

c. Teacher for child development laboratory in the home economics program.

When teachers for child development laboratories are needed, statements of qualifications will be submitted.

d. Related subjects teacher.

Not applicable in this state.

**29.8 Plan "A" for out-of-school groups (part-time and adult)—**

**29.8 (1) Aspects of homemaking to be emphasized.** The aspects of homemaking are the same as those for in-school groups (see section 31.4, subsection 1). Those emphasized will vary with the needs and interest of the particular groups to be served at a particular time in a given community. However, the program

in any local community should be so planned that over a period of years, a broad, well-rounded program is offered.

**29.8 (2) Space, equipment, maintenance, and teaching materials.** The place for group meetings should be as conveniently located as possible for members of the group.

Special centers available for the use of out-of-school persons at any time of the day or evening are recommended. Where such centers are not available, homemaking departments or other convenient and suitable rooms in public buildings or homes may be used, depending upon the nature of the work to be done.

Space and equipment should be sufficient to carry out successfully the program of work planned, meet the needs of the groups to be served, and meet accepted standards.

The local school board shall be expected to allow sufficient funds to cover such expenses as publicity, rent for meeting rooms when necessary, heating and lighting for meeting rooms, references, demonstration supplies, other audio-visual materials, services of resource people, and any other necessities for successfully conducting the program.

**29.8 (3) Program organization.** Local boards of education are strongly urged to establish homemaking programs to meet the needs of out-of-school groups in their communities.

In addition to the essential characteristics for a vocational program in home economics, the following are specific characteristics of an acceptable program for out-of-school groups:

*a.* Reaches a good cross section of out-of-school individuals in the community over a period of years.

*b.* Is planned in consultation with representative members of the community.

*c.* Is co-ordinated with the day school and with other adult education.

*d.* Makes wise use of resource people and materials.

*e.* Is available at a reasonable cost in money and teacher time for school and community.

*f.* Uses a variety of methods to reach and serve those who can profit by the education offered.

*g.* Is planned on a long-time basis and is revised from year to year to meet important needs and interests of people.

It is recommended that each unit have not less than ten clock hours. However, out-of-school classes may be organized for any length lesson or unit or series of units as best meets the needs and interests of the group to be served and within the possibilities of the community.

Informal types of adult education are also recommended as part of the promotional and follow-up program of organized instruction. Such activities are considered a part of the

program of a teacher whose salary is reimbursed from vocational education funds.

Attention should be given to the promotion and organization of educational activities and to the follow-up of students. Time for such activities may be approved if plans are submitted to the state board before the program is initiated.

**29.8 (4) Qualifications of teachers.**

*a. Education*—technical and professional.

(1) Teachers responsible for planning and conducting programs of education for out-of-school groups should meet the same requirements as specified for the day school homemaking teacher.

(2) Teachers serving as resource people either teaching classes or performing some other educational activity should be technically informed about subjects they are to present. Qualifications of such persons must be approved by the state board for vocational education.

*b. Experience.* Experience in applying technical information to home situations is required.

**29.9 Plan "B".**

(*Note: For use in school systems in which special studies are being made to determine provisions for meeting essential characteristics of a program.*)

**29.9 (1) Special studies.** Special studies will be carried on to determine what provisions are needed for meeting the essential characteristics of a program in Iowa to provide a more adequate basis for planning programs throughout the state. Since some of the studies will be of such a nature as to necessitate experimentation in local centers, the school systems selected will not be required to meet the standards for reimbursement described in section 31.3 et seq.

**29.9 (2) Purposes and general nature of studies.**

The main purpose of studying the characteristics of programs is to discover what elements make for strength under such differing conditions as size of school, length and grade placement of day school programs, needs of groups served (adults, out-of-school youth, boys and men, elementary school children), etc. Problems of local administration would also be explored to determine the feasibility of proposals in terms of such factors as class schedules, equipment, teacher load, etc.

Two general types of studies will be needed. One is investigation of desirable practices throughout the state to discover conditions favorable and unfavorable to a program. The other type of study would be experimental in nature, involving selected communities where ideas could be put to the test to determine their effectiveness. Those ideas found to be sound could then be recommended to other communities having similar conditions.

A secondary purpose would be that of de-

termining what techniques are useful in aiding local communities to discover their needs and develop programs consistent with these needs.

**29.9 (3) Criteria for selection of school systems to participate in studies under Plan "B".**

The systems selected will vary with the type of study undertaken. For the selection of a system to participate in an experimental community study to test ideas, criteria such as the following may be used:

a. The community should be typical in most respects of groups of communities in Iowa. For example, if studies of the type of program feasible in the small school or the city were undertaken, the communities selected would need to be sufficiently typical of a group of communities of a similar size in order for the findings to have greatest value in the state.

b. There should be sufficient interest in the community, including the school administrators, in participating in the experiment to assure the needed co-operation.

c. Other things being equal, a community would be given preference which facilitated most effective use of funds and efforts of personnel.

The selection of communities to use in studies designed to discover desirable practices would be based on a representative sample of schools within the state.

**29.9 (4) Agreements with the communities selected.**

For the experimental type of study, the following understandings between the state board and the local community will be needed.

a. The type of co-operation and the responsibilities of the local communities and of the state board for vocational education will be joint decisions of the local board of education and the state board for vocational education. There will be a definite agreement between the state board and the local board as to the financial responsibility of each for such items as teacher's salary, travel of local personnel participating in the study, equipment and supplies.

b. Agreements will be made with the local community to facilitate the contacts of research personnel with the appropriate persons and agencies.

c. All publicity regarding the experiments will be approved jointly by the superintendent of schools and the state board for vocational education.

For other types of studies. Agreements with school systems participating in studies of a survey type may be less formal but an understanding of the nature of the studies will be made clear and permission of local communities to undertake them will be obtained by the state board for vocational education.

**29.9 (5) Personnel and facilities on state level for assisting with studies.**

a. A leader in charge of the studies who meets the qualifications as set up in section 31.10, and who is a member of the home economics education department of an approved teacher training institution will be available for a specified amount of time. The amount of her time and the proportion of salary reimbursed may change from year to year upon agreement between the teacher training institution and the state board.

b. Research assistants will be obtained to aid in carrying out the plans.

c. Facilities for carrying out the experimental study, such as stenographic and statistical help, office, space and travel budget will be provided.

d. Time will be allotted to a member or members of the state supervisory staff of the home economics education service for participation in studies.

e. Members of the home economics education staffs of the state board for vocational education and Iowa State University will be available for consultation as the need arises.

f. Additional consultants in the state may be needed from time to time, particularly in the field of administration. These can be obtained from the staffs of the state institutions of higher education and the office of the state superintendent of public instruction or other agencies.

**29.9 (6) Procedures for assisting school systems with studies.**

The nature of the study will determine what procedures are needed, but in general the following policies will be followed:

a. In order to test out techniques of community planning, in those communities participating in local studies the agencies and individuals will be encouraged to take responsibility consistent with the ability of the community. Techniques for furthering this community planning will be experimented with and exploitation of individuals will be avoided.

b. Devices for carrying on the studies will be worked out with as much community participation as is feasible and educationally sound. Technical advice will be used as needed.

**29.9 (7) Plan for carrying out each step outlined in plan "B".**

Plans for specific studies will be submitted to the United States Office of Education for review prior to initiating the study.

**29.9 (8) Qualifications of teachers participating in studies.**

In studies of an experimental nature in local communities, the teachers should be interested in the study to be undertaken (or underway) and willing to co-operate. Since it is desired to test ideas under typical conditions no special previous training is required. However, preference will be given to teachers likely to remain in the system throughout the experiment.

Where other types of studies are involved, no special qualifications are needed for teachers in schools.

**29.9 (9) Plan for utilization of findings in other schools.**

Findings will be utilized for the further development of the total program in the state.

**29.10 Smith-Hughes programs for in-school groups.**

Where Smith-Hughes funds are to be used, the following program may be authorized for part-time homemaking classes for minors.

**29.10 (1) Aspects of homemaking to be emphasized.** The aspects of homemaking to be emphasized are the same as those for in-school groups where George-Barden funds are used (section 31.4 (1)). Special emphasis should be placed on those aspects of the program which are related to the work experiences of the pupil at any given time.

Consideration should be given also to optimum time allotment and sequence for each aspect of homemaking so that a balanced program will be offered.

**29.10 (2) Space, equipment, maintenance and teaching materials.** Such space, equipment, maintenance, and teaching materials shall be provided and so arranged as to facilitate effective learning in all the various aspects of homemaking. For details see chapter 31.

**29.10 (3) Program organization.** Eight hours of class work per week shall be required of persons who are subject to the part-time school law. For persons not subject to the state law, one hundred forty-four hours per year shall be required. The classes shall be held during the regular hours of employment.

**29.10 (4) Teachers' schedules.** In addition to the teaching of classes, the teaching staff of a part-time school shall spend regularly scheduled time in visiting homes of class members, places of employment, or any other agency which will aid in the development of this work and the improvement of the class members.

**29.10 (5) Qualifications of teachers.**

**a. Education.** The teacher shall have two or more years of homemaking training above the high school and special professional training on methods in part-time schools. If teachers without this training are employed, their previous training shall be supplemented by courses organized under the direction of the state board for vocational education.

**b. Experience.** Two years of homemaking experience and one year of experience in teaching are required. One year of employment accompanied by part-time homemaking may substitute for one year of homemaking experience. Experience in social welfare work is considered desirable.

**29.11 Regular day classes.** At the present time, there is no need for the use of Smith-

Hughes funds for regular day school classes. When such need arises, an amendment to this plan will be submitted in which provisions will be outlined.

**29.12 Smith-Hughes programs for out-of-school groups.**

**29.12 (1) Evening homemaking schools and classes.**

The entire program may be planned and carried out the same as the program described for out-of-school groups where George-Barden funds are used [section 31.2 et seq.].

**29.12 (2) Part-time home economics classes for adults.**

**a.** Aspects of the program, space, equipment, maintenance, teaching materials, provision for promotion and follow-up, and qualifications of teachers will be the same as described in the plan for out-of-school groups where George-Barden funds are to be used.

**b.** Classes shall be so arranged as to give an individual the opportunity to enroll in one hundred forty-four hours of class work per year.

**29.13 Provisions for representative local advisory committees.** When such are used a representative local advisory committee may be set up in a community. Such a committee must remain advisory in its scope and functions. The functions of the committee may include assisting the teacher in long-time and immediate planning, making recommendations about interests and needs in the community, discovering community resources, suggesting ways and means of co-ordinating various projects in the community to make a smooth dovetailing of activities, and assisting with the interpretation of the homemaking program.

### Division III

#### TEACHER TRAINING PROGRAM

**29.14 Institution relationships.** Working relationships to be maintained between the state board for vocational education and the institution engaged in teacher education.

**29.14 (1) Planning.** Provisions for co-operative planning of the total teacher training program preservice and in-service. The preservice and in-service training of teachers will be planned jointly by the staff of the home economics education service of the state board for vocational education and the home economics education department of the teacher training institution. Others having responsibilities for teacher education will participate in the planning at appropriate times.

**29.14 (2) Recruiting.** Provisions for recruiting prospective teachers. Plans for recruiting and selecting prospective teachers will be made jointly by the staff of the home economics education service of the state board and the home economics education department of the teacher training institution. Plans will include the locating and contacting of promising young women who may go to college and



the selecting of those students who have special interest in and aptitude for teaching.

**29.14 (3) Centers.** Provisions for selecting directed teaching centers. Student teaching centers will be selected jointly by the teacher training institution and the state board. Contracts of agreement are signed by both agencies and the local board of education.

**29.14 (4) Directed teaching.** Provisions for the administration and supervision of directed teaching. The state board will be responsible for the in-service training of the teachers in charge of student teaching centers. The supervised teaching in such centers will be a part of the total preservice teacher training program of the approved institution and will be directly under the supervision of the home economics education department of that institution.

**29.14 (5) Provisions for the follow-up of graduates.**

a. Placement service will be maintained by the teacher training institution and a member of the home economics education staff will be assigned to this service. Joint planning with the state department staff will facilitate effective placement.

b. Follow-up of graduates in teaching positions will be planned jointly with the staff of the home economics education service of the state department and the staff of the teacher training institution as a part of the total in-service training program.

**29.14 (6) Provisions for preparation of teaching materials.** Materials needed by teachers will be planned, prepared and issued by both the state board for vocational education and the home economics education department of the approved institution. Decisions as to which agency shall assume major responsibility for each publication will be made jointly.

#### **29.15 Preservice.**

Standards to be maintained in institutions designated for training vocational teachers are as follows.

**29.16 Home economics.** Undergraduate curriculum for home economics teachers:

#### **29.16 (1) Minimum length of course.**

Not less than one hundred twenty-eight semester hours or one hundred ninety-two quarter hours of credit will be accepted for qualifying teachers of vocational programs in home economics. Four years are preferable for the training period, thus freeing summer quarters for valuable supplementary work and professional experience.

**29.16 (2) Range in proportion of curriculum offerings to be given.**

#### **a. Requirements.**

**Professional education**—Fifteen to eighteen percent (twenty-eight to thirty-five quarter credits). In Iowa, state certification requirements include courses in principles of educa-

tion and methods of secondary school teaching (nine quarter credits) and psychology and its application to education (nine quarter credits).

**Home economics education courses** should include, in addition to observation and teaching, specific instruction in adult education for homemakers.

**Home economics**—twenty-five to thirty-five percent (forty-eight to fifty-eight quarter credits). Family economics and home management (not less than one-eighth of minimum home economics credits required).

Housing, home furnishings and equipment (not less than one-eighth of minimum home economics credits required).

Foods and nutrition (not more than one-fourth of home economics credits).

Clothing and textiles and costume design (not more than one-fourth of home economics credits).

Family relationships and child development (not less than one-eighth of minimum home economics credits required).

**Related fields**—The arts—three to five percent (six to nine quarter credits). Basic art and art appreciation.

**Science**—physical and biological—fifteen to eighteen percent (twenty-seven to thirty-five quarter credits). Courses in inorganic and organic chemistry, bacteriology, and human physiology should be included.

**Social Sciences**—six to ten percent (twelve to twenty quarter credits). At least one course in economics and one in sociology.

**Other courses**—eighteen to twenty-five percent (thirty-five to forty-eight quarter credits). General education, which includes such subjects as English and literature, speech, history and government, should be a part of any well-prepared home economics teacher's education. Physical education and home economics orientation are also desirable.

b. Electives—not less than ten percent (nineteen or twenty-five quarter credits). Flexibility in students' programs is made possible through elective courses. These enable students to choose in relation to their particular needs and interests.

#### **29.16 (3) Experience.**

a. **Homemaking experiences.** Experiences which place individual managerial responsibility upon college women will be carried by them at appropriate vacation periods at home. Such experiences shall be planned and followed through with designated faculty members for the specific areas in which the experience is undertaken. Experiences in meal management and clothing construction are considered as a minimum requirement.

b. **Residence in home management courses.** Home management instruction for prospective teachers includes not less than one-half quarter (approximately six weeks) residence in a home management house. The experiences in family group living are under the direction of qualified supervisors. Managerial responsibilities in relation to all phases of

group living, including care of an infant, are assumed by each individual. These are planned, carried out and evaluated through group participation with a view to developing students' abilities to plan, guide, direct and coordinate their human and material resources.

c. Directed experiences with children. Instruction in child development includes experiences in observing nursery school children under varying conditions and participating in the program as opportunity permits.

d. Community experiences. Community experiences are recognized as essential in teacher preparation. The nature and extent of these experiences are dependent upon the facilities available in students' own communities, the campus activity program, the living arrangement while in college, and the college community offerings. Guidance in effective community participation shall be given by counselors and instructors of appropriate courses throughout college.

During student-teaching, special opportunities for worthwhile community experiences shall be provided.

e. Actual work experience which offers opportunities for developing a better understanding of problems in living is desirable for all who can arrange for it during vacations while in college. Such experience shall be encouraged and followed up by the counselors of the education staff.

#### 29.16 (4) *Directed teaching experience.*

a. With in-school and out-of-school groups (older youth and adults). Supervised teaching shall be provided in typical Iowa schools that have recognized vocational programs. Actual experience with adolescents shall include individual conferences, visits to their homes, and guidance of club activities as well as classroom teaching.

Experience with older youth and adult groups shall be provided in each student-teaching center. The nature and amount of such experience will necessarily vary with the time of the school year when students take supervised teaching.

b. Time requirement. Not less than one-half quarter (approximately six weeks) when full time is devoted to teaching and special methods in off-campus student-teaching centers.

Not less than one full quarter (approximately twelve weeks) when student carries her supervised teaching with other subjects.

#### 29.16 (5) *Requirements other than curriculum.*

a. Minimum staff. An institution approved for the preparation of teachers shall have not less than five full-time home economics staff members one of whom shall be a qualified teacher trainer. The advanced training of the other staff members should be such that adequate training for prospective teachers can be provided in the following areas:

Family economics and home management.

Housing, home furnishings and equipment.

Foods and nutrition.

Clothing and textiles and costume design.

Family relationships and child development.

Related arts and sciences.

b. Space and equipment shall include laboratories, classrooms, a home management house, and a nursery school to provide basic home economics courses listed under home economics curriculum requirements (section 31.9). These should exemplify practical types and arrangements of home furnishings and equipment.

c. Library facilities should be adequate for reference work in connection with all courses in the curriculum. A budget sufficiently large to add new books and references is expected.

d. Other requirements. Supplementing the library facilities, home economics education students should have access to an education reference room or workshop where pamphlets, current professional publications, bulletins, and pertinent exhibits of education materials are made available.

Facilities for audio-visual aids in teaching should be available to home economics education students throughout their college preparation.

**29.17 Duties of teacher trainers.** Duties of teacher trainers in approved teacher training institutions are:

29.17 (1) Teaching approved courses for prospective teachers and teachers in service.

29.17 (2) Teaching short, intensive technical courses under the following conditions:

a. The instructor has had suitable preparation and experience in the field of the short, intensive technical course to be reimbursed.

b. Such course enrolls only qualified vocational teachers and supervisors.

c. The subject matter in such technical courses is of immediate value to the employed teachers and supervisors.

d. The course is authorized by the state board.

e. The course is not a regular course of a designated teacher training institution.

29.17 (3) Certain assignments other than classroom instruction, including:

a. Developing the teacher education curriculum.

b. Research in vocational education.

c. Itinerant teacher training.

d. Preparation of teaching materials.

e. Assisting with placement of graduates.

f. Follow-up of graduates.

g. Supervising student teachers.

h. Assisting with conferences called by the state board.

**29.18 Qualifications of teacher trainers.**

29.18 (1) *Head teacher trainer:*

a. Education—technical and professional—

A bachelor's degree in home economics education from a recognized college or university.

A master's degree in home economics education.

Evidence of keeping abreast of education developments through periodic study, attendance at professional conferences, workshops or meetings, and broad reading.

*b. Experience*—Not less than ten years of successful experience in teaching home economics in high school and adult vocational programs, in supervision of student teaching, in city or state supervision, or other administrative positions.

Responsibility for maintaining a home.

**29.18 (2) Assistant teacher trainer:**

*a. Education*—A bachelor's degree in home economics education from a recognized college or university.

A master's degree or considerable work toward it in home economics education.

*b. Experience*—Not less than five years of successful teaching experience in home economics in vocational programs and in supervision of student teaching.

Responsibility for maintaining a home.

**29.18 (3) Supervising teachers in directed teacher centers:**

*a. Education*—the same as for assistant teacher trainer.

*b. Experience*—Three years of successful teaching experience in vocational programs for youth and adults.

Responsibility for maintaining a home.

**29.18 (4) Itinerant teacher trainer:**

*a. Education*—the same as for assistant teacher trainer.

*b. Experience*—the same as for assistant teacher trainer.

**29.19 In-service training of employed teachers.**

**29.19 (1) Purpose.** The purpose of in-service teacher training is to provide opportunity for continued professional growth of teachers and thus strengthen the program in vocational homemaking. The improvement of teachers in the day schools shall be accomplished by supervisory visits to the schools, by conducting local, sectional, and state conferences, by issuing helpful mimeographed and printed material from the state office, and by correspondence.

**29.19 (2) Titles, responsibilities, etc.**

*a. State supervisor*—The state supervisor of vocational homemaking shall be responsible for the training of teachers in service. For details see section 27.15.

*b. Assistant state supervisor*—The assistant state supervisor shall be responsible for assisting with the training of teachers in service. For details see section 27.15.

*c. District*—When provision is made for district supervisors, plans will be submitted for approval.

*d. Local*—Local supervisors shall be responsible for co-operating with the state supervisor by developing a training program for teachers under her supervision. For details see section 31.1 (1).

*e. Itinerant teacher trainer*—The itinerant teacher trainer, under the direction of the state supervisor and the head teacher trainer in the institution which employs her, shall give full time to the training of teachers in service. Her duties will include visits to teachers for the purpose of giving training in service, preparation of materials for teachers in service, participating in planning and conducting local, sectional, and state conferences, and assisting with developing the curriculum.

*f. Resident teacher trainer*—A portion of the time of one or more members of the home economics teacher trainer staff may be allotted to the training of teachers in service. Such training may include teaching, direction and consultant service for workshops and other offerings beyond the bachelor's degree, assisting with planning and conducting conferences, co-operating with the state supervisory staff in follow-up of graduates, and assisting with the development of curriculum.

**29.19 (3) Short courses.** Provisions for special, short, intensive technical courses requested by the state board to meet professional needs. Approved technical courses which are requested by the state board for vocational education may be offered at the designated teacher training institution at times when it is convenient for teachers and supervisors to enroll. These courses shall deal with subject matter related to homemaking education to the end that teachers and supervisors may keep abreast of current developments. These courses shall be selected co-operatively by the teacher training institution and the state board for vocational education and shall not be regular courses of a designated teacher training institution.

**29.20 Graduate programs for home economics teachers including provisions for technical and professional courses.**

**29.20 (1)** A graduate program for the professional preparation of secondary and college home economics teachers, teacher trainers, state and city supervisors, adult homemaking supervisors and co-ordinators of local programs, and research workers in home economics education may be maintained at institutions designated by the state board for vocational education.

**29.20 (2)** The graduate program shall include advanced professional courses (including seminars, workshops and special problems) in home economics education, vocational education, and psychology for students seeking a master's or a doctor's degree. These courses shall provide for advanced study of:

Philosophy of education.

Program planning.

Administration and supervision.

**Curriculum.**

Psychology of adolescents and adults.  
 Methods of research, including statistics.  
 Evaluation.

Research basic to the thesis required of candidates for advanced degrees should as a rule make a contribution, either direct or indirect, to the state program of vocational education.

**29.20 (3)** The graduate program shall also provide for advanced technical courses, beyond that in preservice training, in one or more areas of home economics, or in home economics in combination with biological, physical or social science. There shall be a sufficient number of graduate courses offered in appropriate sequence to permit students working for a master's degree to select approximately fifteen quarter hours in a minor field.

**29.20 (4)** Graduate courses in the designated aspects of professional and technical preparation shall be available during both regular and summer sessions in such sequence that any student may have the opportunity, in successive quarters, to complete a well-balanced program of advanced study.

**29.20 (5)** In addition to the above, special workshops or courses shall be offered during summer sessions as they appear to be needed for the improvement of the state program of vocational homemaking education. These may be offered with the co-operation of the state department of vocational education and other departments and divisions of the institution offering teacher education.

**29.20 (6)** Qualifications of teachers who serve as major professors for individual graduate students shall be the same as the qualifications of research workers, as outlined in section 31.9 et seq.

**29.21 Provisions for research and studies in home economics education.**

**29.21 (1)** The nature and extent of some proposed investigations have been described in section 31.3(2), plan B. In addition to those, opportunities shall be provided as time allows for research personnel to study problems agreed upon jointly by the state board and the designated institution. These studies may include such problems as recruitment and selection of prospective teachers, methods of college teaching which result in better trained home economics teachers, needs of homemakers pertinent to the adult program, and evaluation of the adult program.

**29.21 (2)** Conditions to be maintained where federal vocational funds will be used.

a. Studies shall be of definite value to the vocational homemaking program in the state and shall be approved by the state board before or at the time that the study is initiated.

b. Qualifications of personnel—see section 31.10.

c. Co-operation in planning—see section 31.10.

d. Publications—see section 31.10.

**29.21 (3) Allocation of responsibility.**

a. Problems to be studied may be proposed by the staff of the state board for vocational education, the staff of institutions supplying research personnel, school administrators, teachers, and others whose programs would be affected by the research. Plans for research using funds from federal vocational and state vocational funds will be made jointly and the plans will be executed using the resources of both the state board and the institution to best advantage. However, it is anticipated that the major responsibility for execution will fall on those persons having special training in research techniques. See also section 31.3 (2), plan "B."

b. Any findings should be published with the full consent of all individuals and agencies which have made a major contribution to the research either through funds or work.

Agreement will be made in advance regarding what agencies will be responsible for disseminating the findings. In every case, due recognition shall be given the individuals and agencies making major contributions to the research. The findings shall be utilized in any appropriate fashion within or outside the state.

**29.21 (4) Qualifications of research personnel.**

Persons directing research should:

a. Have the ability to think logically and independently; be alert to problems needing investigation and to the interrelationships of knowledge from fields contributing to family life education; be able to establish and maintain effective relationships with persons co-operating on research projects.

b. Have experience in conducting independent research and in guiding others in carrying on research at least at the master's degree level.

c. Have an educational background of a bachelor's degree with a major in home economics and courses in education, psychology, economics and sociology. In addition, they should have work beyond the master's degree in education or psychology and have had courses on methods of research including statistical techniques.

Persons assisting must meet requirements for graduate assistantships in the institution supplying personnel for the research.

**CHAPTER 30****TRADE AND INDUSTRIAL EDUCATION****DIVISION I  
LOCAL SUPERVISION PLAN**

- 30.1 Supervision required.
- 30.2 Duties of supervisors.
- 30.3 Qualifications of supervisors.

**DIVISION II  
INSTRUCTION PROGRAM**

- 30.4 Evening extension classes.
- 30.5 Part-time classes.
- 30.6 General continuation.
- 30.7 Qualifications of shop teachers.
- 30.8 Experience supplemented.
- 30.9 Qualifications of teachers.

- 30.10 Reimbursement.
- 30.11 Plan for co-ordination.
- 30.12 Local occupations.
- 30.13 Plant and equipment.
- 30.14 Course of study.
- 30.15 Methods of instruction.
- 30.16 Length of term.
- 30.17 Division of time.
- 30.18 Kind of employment.
- 30.19 Qualifications of co-ordinator.
- 30.20 Plan for co-ordination.
- 30.21 Distribution of co-ordinator's time.
- 30.22 Reimbursable teaching.
- 30.23 Age of admission.
- 30.24 All-day classes.
- 30.25 Course.
- 30.26 Methods of instruction.
- 30.27 Time apportioned.
- 30.28 Term and period.
- 30.29 Qualifications of shop teachers.
- 30.30 Related subjects teachers.
- 30.31 Plan for co-ordination.
- 30.32 Plan "B"—industrial schools.
- 30.33 Qualifications for trade instructor.
- 30.34 Related subjects teachers.
- 30.35 Plan for co-ordination.
- 30.36 Plan "C" pre-employment schools.
- 30.37 Qualifications of students.
- 30.38 Co-ordination—each type class.

## DIVISION III

## LOCAL ADVISORY COMMITTEES

- 30.39 Plan for use.
- 30.40 Meetings.
- 30.41 Craft committees.

## DIVISION IV

## TEACHER TRAINING PROGRAM

- 30.42 Duties of trainers.
- 30.43 Qualifications of trainers.
- 30.44 Systematic group instruction.
- 30.45 Entrance requirements.
- 30.46 Length of course.
- 30.47 Plan for training.
- 30.48 Course of study.
- 30.49 Requirements for completion.
- 30.50 Relation to certification.
- 30.51 State or district conferences.
- 30.52 Related subject teachers.
- 30.53 Continuation school teachers.
- 30.54 Local programs.
- 30.55 Course of study.
- 30.56 Requirements for completion.
- 30.57 Relation to certification.
- 30.58 Related subject teachers.
- 30.59 Institution programs.
- 30.60 Courses of training.
- 30.61 Requirements for completion.
- 30.62 Relation to certification.
- 30.63 Nonresident courses.
- 30.64 Related subject teachers.
- 30.65 Continuation school teachers.
- 30.66 Plan of training.
- 30.67 Course of study.
- 30.68 Requirements for completion.
- 30.69 Relation to certification.
- 30.70 Plan for workshop.
- 30.71 Standards.
- 30.72 Plan for training.
- 30.73 Training conference leaders.

- 30.74 Plan for certifying.
- 30.75 Studies, investigation research.

## Division I

## LOCAL SUPERVISION PLAN

**30.1 Supervision required.** The development of a well-rounded program of trade and industrial education requires the service of an approved qualified local supervisor. The improvement of teachers in service is the most immediate problem in the field of supervision of industrial education. This is particularly true in the case of part-time and evening school teachers. Since local supervisors of trade and industrial subjects should be directly responsible for the success of the local program for trade and industrial education and the efficiency of the teachers under their supervision, they are the logical persons to carry on informal specialized professional improvement work with their own teachers.

**30.2 Duties of local supervisors.**

**30.2 (1) Promotional.** Promotional activities of local supervisors shall be devoted to the establishment of additional trade and industrial classes, particularly in the field of part-time and evening schools, and in selecting and training teachers on the job for these classes.

**30.2 (2) Inspectional.** It is understood that the inspectional activities of local supervisors under this plan shall be primarily for the purpose of discovering those points on which their local teachers need help and assistance.

**30.2 (3) Instructional.** Instructional activities shall constitute the major portion of the administrative work as supervisor of industrial education and particular attention shall be given to the professional improvement of his teachers in reimbursable classes.

**30.3 Qualifications of local supervisors.****30.3 (1) Technical education:**

He shall be a graduate of a recognized four-year college course with a major in industrial education or have its practical equivalent in a minimum of two years of college training and a minimum of three years of supervisory experience in industry on a foremanship level or above.

**30.3 (2) Professional education:**

Professional education shall be the equivalent of at least eighteen quarter credits in approved educational subjects under an approved qualified teacher trainer, including

a. Supervision and administration of trade and industrial schools.

b. Making and utilizing of trade and job analyses for training trade teachers and organization of content of trade courses.

c. Methods of training trade teachers—

This training may be partially gained in service, in which case approval shall be conditional until requirements are fully met. Approval shall be for such definite period as is deemed desirable in order to complete this training.

**30.3 (3) Trade experience:**

Local supervisors shall have had at least three years of practical working experience as a wage earner in a skilled trade.

**30.3 (4) Teaching experience:**

Teaching experience shall be at least three years of successful experience as a teacher of approved trade classes which meet the standards of the state plan. This experience may be partially gained in service in which case approval shall be conditional until requirements are fully met. Approval shall be for such definite period as is deemed desirable in order to acquire the required experience.

**Division II**  
**INSTRUCTION PROGRAM**

**30.4 Evening trade extension classes, including public service and foremanship training.**

The controlling purpose is to provide trade extension instruction of less than college grade which will increase the technical knowledge or manipulative skill of workers in their particular field of employment.

**30.4 (1) Minimum entrance age requirement.** The minimum entrance age shall be sixteen years.

**30.4 (2) Character and content of the course of study.** The character and content of the course of study is shown in Appendix. The instruction shall be of such character as to supplement the daily work of members of the school or classes.

**30.4 (3) Qualifications of shop and trade-practice teachers:**

*a.* He shall be proficient in the trade to be taught, with at least three years wage earning experience in this trade field.

*b.* A shop teacher must be a graduate of at least high school or equivalent and he must be not less than twenty-five years of age, and if inexperienced in teaching, not over forty-five.

*c.* He shall have not less than eighteen quarter credits of the special teacher training courses provided by the state board for vocational education, or shall be enrolled in one of these courses either in class work or by correspondence.

**30.4 (4) Related-technical teachers:**

They shall have the full qualifications of shop instructors or at least two years of technical education beyond the high school and at least one full year of trade experience in a trade or industrial pursuit. Related subjects teachers shall have completed or be enrolled in the same teacher training courses as provided for shop teachers.

**30.4 (5) Plan for co-ordination:**

The George-Barden funds may be used to reimburse salaries paid for the organization, supervision, and co-ordination of trade and industrial evening school programs when these duties are performed by a qualified local super-

visor who has been approved by the state board for vocational education.

**30.5 Part-time classes.****30.5 (1) Trade extension—hours.**

Hours per week—weeks per year:

The term and hours per week for employed persons under sixteen years of age shall conform to state laws; viz., eight hours per week during public school sessions. Part-time courses shall not be less than one hundred forty-four hours per year and shall be organized to fit into existing industrial situations.

*a.* Controlling purpose—The purpose of the work shall be to improve the qualifications of employed workers in the occupations they are already following.

*b.* Age of pupils—Pupils shall be sixteen years of age or over, in all cases complying with state and local laws and regulations.

**30.5 (2) Character and content of courses of study.**

The character and content of the course of study is shown in Appendix. Methods of instruction shall be less than college grade and adapted to individual persons, and shall be conducted by demonstrations; lectures, supplemented by demonstrations and illustrations; free class discussions; or mechanical or occupational manipulations by pupils. Shop activities should be used to make clear the instruction even if not used to give skill in manipulation.

**30.5 (3) Shop or trade instructor.**

*a.* He shall be proficient at the trade to be taught, with at least three years experience as a wage earner beyond the customary apprenticeship period.

*b.* A shop teacher must be a graduate of at least high school or the equivalent.

*c.* He must be not less than twenty-five years of age. If inexperienced in teaching, he must not be over forty-five years of age.

*d.* He must have not less than eighteen quarter credits of the special teacher training course provided by the state board for vocational education, or shall be enrolled in one of these courses either in class work or by correspondence.

**30.5 (4) Instructors in related subjects.**

They shall have the full qualifications of shop instructors or at least two years of technical education beyond the high school and at least one full year of trade experience in a trade or industrial pursuit. Related subjects teachers shall have completed or be enrolled in the same teacher training courses as provided for shop instructors.

**30.5 (5) Plans for co-ordination.**

Instructors in part-time schools and classes paid in part from federal moneys may serve also as co-ordinators of work between the school and the employment or work of the pupil. By co-ordinator is meant the person who correlates the class instruction and the practical experience of part-time students and secures

satisfactory employment and does follow-up work. Reimbursement may be made from federal funds up to one-half of the salary paid for actual teaching or co-ordination of vocational classes. This permits:

a. The employment of a person as a teacher giving full time to the instruction of part-time workers.

b. The employment of a person who gives a portion of the time to the instruction of part-time workers and a portion of the time to co-ordination of the school activities with the employment activities of the workers.

c. Under certain circumstances the employment of a person who gives full time to the co-ordination of the school work and the employment work of the part-time workers.

In each of these cases the person for whose services reimbursement is to be made to the school must meet the minimum qualifications set up in the state plan for teachers of part-time work. The duties of such co-ordinators shall include those of informing parents and employers of the importance and value of the part-time school and securing their active support and co-operation; of studying industrial conditions and occupations; of eliminating friction in the adjustment of hours of schooling and employment; of assisting in the placement of pupils temporarily out of work or in transferring them from undesirable to better jobs; of following up the pupils in their out-of-school activities; and of consulting with teachers and supervisor or director as to changes in the school program, and instructional matter. The keeping of records shall not exceed ten percent of the co-ordination time.

### 30.5 (6) *Trade preparatory—hours.*

The term and hours per week for employed persons under sixteen years of age shall conform to state laws; viz., eight hours per week during public school sessions. Part-time courses shall not be less than one hundred and forty-four hours per year and shall be organized to fit into existing industrial situations.

The purpose shall be to train persons for definite occupations other than the one in which they are employed at the time of taking the instruction.

### 30.5 (7) *Character and content of courses of study.*

The character and content of the courses of study is shown in Appendix. Methods of instruction shall be less than college grade and adapted to individual pupils and shall consist of suitable demonstrations; lectures supplemented by demonstrations and illustrations; free class discussions; and actual manipulation of material and apparatus by class members. When a school system is unable to provide suitable shop equipment for adequate trade preparatory instruction, arrangements may be made for giving this instruction in industrial establishments. If the person to give such instruction is to receive compensation for it, he

shall have approved qualifications set up in the plan for teachers of part-time classes.

### 30.5 (8) *Qualifications of shop or trade instructor.*

a. He shall be proficient at the trade to be taught, with at least three years of practical experience as a wage earner beyond the customary apprenticeship period.

b. A shop teacher must be a graduate of high school or the equivalent.

c. He must be not less than twenty-five years of age. If inexperienced in teaching, he must not be over forty-five years of age.

d. He must have not less than eighteen quarter credits of the special teacher training courses provided by the state board for vocational education, or shall be enrolled in one of these courses either in class work or by correspondence.

### 30.5 (9) *Related subjects teachers.*

They shall have the full qualifications of shop instructors or at least two years of technical education beyond the high school and at least one full year of trade experience in a trade or industrial pursuit. Related subjects teachers shall have completed or be enrolled in the same teacher training courses as provided for shop instructors.

### 30.5 (10) *Plan for co-ordination.*

Same as the plan to be used under section 30.11.

### 30.6 *General continuation.*

To extend the civic or vocational intelligence of such workers through general education:

The controlling purpose shall be to increase the civic or vocational intelligence of persons fourteen years of age or over who have entered employment by instruction given during the legal working time of pupils.

The term and hours per week for employed persons under sixteen years of age shall conform to state laws; viz., eight hours per week during public school sessions. Part-time courses shall not be less than one hundred forty-four hours per year and shall be organized to fit into existing industrial situations.

The character and content of the course of study is shown in Appendix. Methods of instruction shall be those adapted to the particular line of work selected and conducted by means of group recitations, drills, demonstrations, objective illustrations, and practice.

### 30.7 *Qualifications of teachers.*

30.7 (1) Shop teachers for general continuation schools shall have a minimum of two years of experience in a trade or industrial pursuit and shall have at least two years of resident instructor training in a recognized course for the training of industrial teachers. If teachers are tradesmen without such training, they shall be taking the teacher training course for shop instructor as provided by the state board for vocational education.

30.7 (2) Any properly certificated elementary or secondary school teacher who is not now engaged in continuation school provided he is approved by the state board for vocational education at the time he is assigned to general continuation school work. He shall start and continue on the course of special training for continuation school teachers which includes the following:

*Philosophy of vocational education, either "a" or "b".*

a. *Social significance of industrial education* .....three qt. cr.

Social influences bearing on industrial education and effects of this form of education on society.

b. *Foundations of industrial education* .....three qt. cr.

Development of vocational education movement; Smith-Hughes and George-Barden Acts, state plans and laws relating to industrial education.

*Co-ordination in part-time education* .....three qt. cr.

Organization and supervision of part-time education, problems of the co-ordinator. Teachers shall attend such conferences as are called for the improvement of work in the continuation school by the state board for vocational education.

30.8 Experience supplemented. To supplement the experiences of such workers regularly employed in stores with customer contact as an objective.

On full-time employment basis (Instruction for such workers on a full-time employment basis will be given under the provisions of the section in the state plan for distributive education.) or on co-operative basis between school and store or office.

30.8 (1) *Controlling purpose.* The controlling purpose is to increase the vocational intelligence of employed boys and girls in commercial and mercantile establishments, to help the worker in his present job, and to prepare him for satisfactory employment.

30.8 (2) *Age of pupils.* The minimum age shall be sixteen years.

30.8 (3) *Required or minimum plant and equipment.* The equipment shall be adequate to meet all the requirements of the course and subject to the approval of the state board for vocational education.

30.8 (4) *Character and content of course of study.*

a. Provision must be made for employment in a sequence of positions during the co-operative period, and for direct instruction related to the needs of workers in each of these positions.

b. Provision must be made for related instruction amounting to at least one period in each school day based upon the working experiences of the pupils. Thus, for sales girls, wrappers, stock clerks, and other store

workers, two periods in each school day should be devoted to instruction in either general or special subjects directly related to retail selling; and for pupils employed in office positions two periods a day of instruction directly related to either general or special office work must be given.

30.8 (5) *Methods of instruction.* Methods of instruction shall include lectures, classroom and laboratory work, demonstrations, discussions, conferences, practical applications, and teacher supervision of the employed pupil while on the job. The needs of individual pupil-workers should be ascertained by interviewing employers and by observation of pupil-workers while on the job and at school. Class teachers should, therefore, do some co-ordinating and base much of their instruction upon observed needs of pupil-workers.

30.8 (6) *Length of term.*—The minimum time for class instruction with the co-ordinator must not be less than one hundred forty-four clock hours a year. The maximum time for school instruction must not exceed in point of actual clock hours the amount of time spent in regular employment. Instruction should cover a minimum of fifteen clock hours a week for at least thirty-six weeks a year.

30.8 (7) *Division of time.* The division of time between school and employment shall be equal except for special students who shall be in school not less than eight hours weekly.

30.9 *Qualifications of teachers.* The qualifications of teachers in part-time schools shall be the same as those of teachers of the same subjects in the secondary schools with the additions noted below:

30.9 (1) Completion of teacher training courses for general continuation school teachers as outlined below:

*Philosophy of vocational education, either "a" or "b".*

a. *Social significance of industrial education* .....three qt. cr.

Social influences bearing on industrial education and effects of this form of education on society.

b. *Foundations of industrial education* .....three qt. cr.

Development of vocational education movement; Smith-Hughes and George-Barden Acts, state plans and laws related to industrial education.

*Co-ordination in part-time education* .....three qt. cr.

Organization and supervision of part-time education, problems of the co-ordinator. Teachers shall attend such conferences as are called for improvement of work in the continuation school by the state board for vocational education.

30.9 (2) Practical experience of at least one year in the type of work being taught; e.g., teachers of office subjects shall have had a minimum of one year of consecutive office ex-



perience, or teachers of store subjects shall have had a year of consecutive store selling experience. Experience gained through an approved teacher training course may be accepted as meeting these requirements.

**30.9 (3) Proven ability as a teacher.**

**30.10 Reimbursement.** Teachers for whom reimbursement is to be asked who teach either the general educational or the technical commercial subjects provided in segregated classes or who act as co-ordinators for such classes. If a teacher devotes only a portion of his time to this work, reimbursement shall be made on the basis of the part of his daily teaching program spent in any or all of these three types of work. Class teachers should co-ordinate part-time.

**30.11 Plan for co-ordination.** Instructors in part-time schools and classes paid in part from federal moneys may serve also as co-ordinators of work between the school and the employment or work of the pupil. By co-ordinator is meant the person who correlates the class instruction and the practical experience of part-time students. Reimbursement may be made from federal funds up to one-half of the salary paid for actual teaching or co-ordination of vocational classes. This permits:

a. The employment of a person as a teacher giving full time to the instruction of part-time pupils.

b. The employment of a person who gives a portion of the time to the instruction of part-time pupils and a portion of the time to co-ordination of the school activities with the employment activities of the pupils.

c. Under certain circumstances, the employment of a person who gives full time to the co-ordination of the school work and the employment work of the part-time pupils.

In each of these cases the person for whose services reimbursement is to be made to the school must meet the minimum qualifications set up in the state plan for teachers of part-time work. The duties of such co-ordinators shall include those of informing parents and employers of the importance and value of the part-time school and securing their active support and co-operation; of studying industrial conditions and occupations; of eliminating friction in the adjustment of hours of schooling and employment; of assisting in the placing of pupils temporarily out of work or in transferring them from undesirable to better jobs; of following up the pupils in their out-of-school activities; and of consulting with teachers and supervisor or director as to changes in the school program, instructional matter, etc. Co-ordinators shall have in addition adequate experience in conducting employee training, sales organization, and personnel management. He shall keep records, but the keeping of such records shall not exceed ten percent of the co-ordination time.

**30.12 Local occupations.** To provide vocational training through co-operation of the

school and industrial and business establishments for groups of young people whose individual occupational objectives differ and whose co-operative agreement provides for legal employment, systematic training on the job and supplemental training in the school.

The controlling purpose is to provide vocational training of an extension type in various local occupations through co-operation between the schools and local employers.

The minimum age shall be sixteen years.

**30.13 Required or minimum plant and equipment.**

A satisfactory classroom equipped with tables, chairs, blackboards, and supplementary teaching material shall be provided. Where occupational instruction is to be given in the school, equipment similar to that used locally in the occupations shall be provided.

**30.14 Character and content of course of study.**

**30.14 (1)** One school period per day, equal in length to other regular school periods, will be provided for the groups of pupils who are enrolled in this type of work. These pupils will be handled in a segregated class with the co-ordinator in charge. The work given to the members of this group will be such as will help to prepare them for satisfactory employment and may include instruction in industrial relations and problems of employment, occupational instruction given to individuals or to occupational groups, supervised occupational study, and individual conferences.

**30.14 (2)** For each student an outline or analysis of his present and future needs for occupational training shall be prepared by the co-ordinator working with the employer, and this shall be used as the basis for the training to be given.

**30.14 (3)** An agreement shall be made before the pupils enter the class whereby the employer agrees to make the work educational as far as possible under the working conditions.

**30.15 Methods of instruction.**

All instruction must be suited to the needs of workers over sixteen years of age: Since workers from a variety of occupations will be enrolled, the instruction shall be very largely on an individual basis. The co-ordinator shall have available at least two consecutive regular school periods each day which shall be used in co-ordinating school instruction to employment. The information thus secured shall be used in adjusting the instruction given to the working needs of the pupils.

**30.16 Length of term.**

The minimum time of classroom instruction shall be not less than one regular school period each school day and not less than one hundred forty-four hours per year.

**30.17 Division of time between school and employment.**

**30.17 (1)** The pupils shall be legally employed for a minimum of fifteen hours per week throughout the school year.

**30.17 (2)** The time at work shall equal or exceed the time in clock hours per week devoted to school instruction throughout the year. A student who spends more time in school during the school year than he spends actually at work under regular employment conditions cannot be considered a part-time student.

**30.17 (3)** The arrangement of time schedule under this co-operative plan of half time in school and half time in employment shall be a half day in school followed or preceded by a half day in employment.

**30.18 Kind of employment.** The kind of employment may be regular employment in any occupation which offers an opportunity for advancement and possibilities for training.

**30.19 Qualifications of co-ordinator.**

**30.19 (1)** The co-ordinator shall meet qualifications similar to those set up for shop teachers in section 30.7 for part-time trade extension or trade preparatory classes except that a variety of occupational experience may be substituted for the trade experience required of such teachers.

**30.19 (2)** The teacher of segregated classes, when he is other than the co-ordinator, shall meet the qualifications of the state plan for part-time teachers of the specific subjects taught.

**30.20 Plan for co-ordination.**

A co-ordinator shall be employed through the school year who shall have available, free from other school duties, at least three regular school periods each day for work with pupils enrolled under this plan. Of these periods, one each day shall be given to instruction in a segregated class composed of these students, and at least two consecutive periods each day shall be given to the duties of co-ordinating school instruction to employment. The work of co-ordination shall include visits to places of employment and to the homes of pupils; conferences with parents, employers, and teachers, and the keeping of records and reports of the pupils employed under this plan, providing the time for office work shall not exceed ten percent of the co-ordination time. Where the number of pupils employed is more than thirty the time given to co-ordination shall be increased.

**30.21 Distribution of co-ordinator's time.**

In schools where the number of pupils enrolled under this plan is not more than thirty, the time of the co-ordinator shall be distributed approximately as follows:

**30.21 (1)** Teaching regular high school classes—three periods of the school day for which no reimbursement will be made.

**30.21 (2)** Teaching segregated classes which includes all part-time pupils enrolled under this plan—five hours per week.

**30.21 (3)** Visiting places of employment and consulting with employers—eight hours per week.

**30.21 (4)** Conferences with other teachers, planning outlines of occupational study, and conferences with pupils—two hours per week.

The duties listed above may require some time beyond the usual length of school day. In determining reimbursement this additional time shall be considered as a part of the school day for the co-ordinator.

**30.22 Reimbursable teaching.**

**30.22 (1)** Co-ordinators who devote at least three consecutive regular school periods per day to the duties of instruction, co-ordinating school instruction to employment, and who, in addition, teach all pupils enrolled under this plan in a segregated class for one period per day.

**30.22 (2)** Teachers of other segregated classes arranged for by the co-ordinator and organized to give training for the specific occupations of part-time pupils enrolled under this plan.

**30.23 Age of admission.**

The provisions of section IX of the Smith-Hughes Vocational Act requiring at least one-third of the sum appropriated to any state to be spent for part-time schools or classes shall be held to include any part-time day school classes for workers sixteen years of age and over. Except that the minimum age of entrance into part-time general continuation school classes reimbursed from Smith-Hughes funds remains at fourteen years.

This change in the age of admission to such classes applies to trade and industrial part-time classes aided from George-Barden funds.

**30.24 All-day trade and industrial classes.**

**30.24 (1) Plan "A"—Day trade.**

The aim of the day unit trade school must be to prepare students for advantageous entrance into a trade or industrial pursuit.

**30.24 (2) Age of admission.** Pupils shall be at least sixteen years of age.

Plant and equipment shall be of such nature and sufficient to make the instruction effective, and must meet the approval of the state board for vocational education.

**30.25 Course.**

The character and content of the course of study is shown in Appendix.

**30.26 Methods of instruction.**

**30.26 (1)** Must be adapted to prepare the student for useful employment.

**30.26 (2)** Must be suitable to the stage of development and experience of persons enrolled sixteen years of age or over, but shall be less than college grade.

**30.26 (3)** Should be based on concrete demonstrations and experience by the use of material objects, but theory and reason should be so associated with the concrete instruction

as to make an intelligent and thoughtful workman rather than a mere mechanical manipulator.

**30.26 (4)** Should include the use of books, charts, pictures, slides, machines, and other objects. Shops, demonstrations, lectures, and class discussions should all find a place in the process of instruction.

**30.27 Time apportioned.**

**30.27 (1)** Related work taught by shop teacher incidentally on the job as problems arise. This plan requires a minimum of three continuous hours with the shop teacher and the balance of the school day may be devoted to nonvocational subjects.

**30.27 (2)** Related work taught in segregated groups by teachers other than the shop teachers for one period daily. This plan requires as a minimum fifty percent of the school day or fifteen hours per week in shop on a useful and productive basis in periods not less than three hours. (One-half of the school day if more than six hours in length.) The remainder of the school day may be given to nonvocational subjects.

Reimbursement shall be made only on salaries of approved qualified teachers of shop and related subjects for such time as they are actually teaching in approved trade and industrial courses.

**30.27 (3)** Work shall be conducted with practical, commercial shop equipment and the products used by the school district in new buildings, repairs and maintenance. Commercial work may be undertaken when instruction is benefited thereby and when it is agreeable to labor and industry.

**30.28 Term and period.** The school year must be at least nine months in length. The hours of instruction shall be not less than thirty clock hours per week. The vocational instruction may be set up as follows:

**30.28 (1)** Fifteen hours where related work is taught by shop teachers incidentally on the job as problems arise.

**30.28 (2)** Fifteen hours of shop and five hours of related subjects where related work is taught in a segregated group by a teacher other than the shop teacher.

**30.29 Qualifications of shop teachers.**

**30.29 (1) Trade experience.** He shall be proficient at the trade to be taught, with at least three years of reasonable continuous practical wage earning experience beyond the customary apprenticeship period.

**30.29 (2) Technical training.** A shop teacher must be a graduate of at least high school or the equivalent.

He must be not less than twenty-five years of age, and if inexperienced in teaching not over forty-five years of age.

**30.29 (3) Training for teaching.** He must have not less than eighteen quarter credits of the special teacher training course provided

by the state board for vocational education, or shall be enrolled in one of these courses either in class work or by correspondence.

**30.29 (4) Teacher certification.** Comply with the Iowa teacher certification requirements.

**30.30 Related subjects teachers.** They shall have the full qualifications of shop instructors or at least two years of technical education beyond the high school and at least one full year of trade experience in a trade or industrial pursuit. Related subjects teachers shall have completed or be enrolled in the same teacher training courses as provided for shop instructors.

**30.31 Plan for co-ordination.** Federal funds may be used for reimbursement on salaries for full or part-time co-ordinators in day-trade vocational trade and industrial education programs under the following conditions:

**30.31 (1)** The local co-ordination program must be arranged through and have the approval of the state board for vocational education.

**30.31 (2)** The duties of the co-ordinator will include advisement with pupils enrolled in trade and industrial vocational classes, placement and follow-up of graduates from day-trade classes, advising with instructors in curriculum revision in order to keep pace with changing conditions, keeping the necessary records and reports (not to exceed ten percent of co-ordination time), and making outside promotional contacts with industrial and labor groups in order that the vocational program at the school will be understood and have the unqualified support of the employers and workers in the community.

**30.31 (3)** The co-ordinator must meet the minimum qualifications set up in the state plan for shop teachers of day-trade classes.

**30.32 Plan "B"—General industrial schools for the small cities and towns.**

**30.32 (1)** The controlling purpose is to give trade preparatory instruction which will prepare a student for entrance into one of the several allied trades as an advanced learner.

**30.32 (2)** Pupils shall be not less than sixteen years of age.

**30.32 (3)** Plant and equipment shall be of such nature as to make the instruction efficient and effective, and must meet the approval of the state board for vocational education.

**30.32 (4)** The character and content of the course of study is shown in Appendix.

**30.32 (5) Methods of instruction.**

a. Must be adapted to prepare the student for useful employment in a trade or industrial pursuit.

b. Must be suitable to the stage of development and experience of persons enrolled but of less than college grade.

c. Should be based on concrete demonstrations and experience by the use of material objects, but theory and reason should be so associated with the concrete instruction as to make an intelligent and thoughtful workman rather than a mere mechanical manipulator.

d. Should include the use of books, charts, pictures, slides, machines, and other objects. Shops, demonstrations, lectures, and class discussions should all find a place in the process of instruction.

**30.32 (6)** Amount of time given to practical work on a useful or productive basis:

a. Not less than fifty percent of the school time, which in no case may be less than three consecutive clock hours per day and fifteen clock hours per week, is given to practical work on a useful or productive basis.

b. Work shall be conducted with practical, commercial shop equipment and the products used by the school district in new buildings, repairs and maintenance. Commercial work may be undertaken when instructional in character and when it is agreeable to labor and industry.

**30.32 (7)** Length of school year and hours per week:

a. The school year must be at least nine months in length.

b. The hours of instruction require at least fifty percent of the school day to be devoted to shop work on a useful and productive basis and related information taught incidentally by shop teacher. A total of not less than fifteen hours per week, or three consecutive hours per day shall be devoted to shop and related subjects. There shall be no regular division of the three-hour period.

**30.33** Qualifications of shop or trade instructor.

**30.33 (1)** *Trade experience.* He shall be proficient at the trade to be taught with at least three years of reasonable continuous wage earning experience in a trade or industrial pursuit.

**30.33 (2)** *Technical training.* A shop teacher must be a graduate of at least high school or the equivalent.

He must be not less than twenty-five years of age, and if inexperienced in teaching not over forty-five years of age.

**30.33 (3)** *Training for teaching.* He must have not less than eighteen quarter credits of the special teacher training course provided by the state board for vocational education, or shall be enrolled in one of these courses either in class work or by correspondence.

**30.34** Related subjects teachers.

They shall have the full qualifications of shop instructors or at least two years of technical education beyond the high school and at least one full year of trade experience in a trade or industrial pursuit. Related subjects teachers shall have completed or be enrolled

in the same teacher training courses as provided for shop instructors.

**30.35** Plan for co-ordination.

Federal funds may be used for reimbursement on salaries for full or part-time co-ordinators in general industrial vocational trade and industrial education programs under the following conditions:

**30.35 (1)** The local co-ordination program must be arranged through and have the approval of the state board for vocational education.

**30.35 (2)** The duties of the co-ordinator will include advisement with pupils enrolled in trade and industrial vocational classes, placement and follow-up of graduates from general industrial classes, advising with instructors in curriculum revision in order to keep pace with changing conditions, keeping the necessary records and reports (not to exceed ten percent of co-ordination time), and making outside promotional contacts with industrial and labor groups in order that the vocational program at the school will be understood and have the unqualified support of the employers and workers in the community.

**30.35 (3)** The co-ordinator must meet the minimum qualifications set up in the state plan for shop teachers of general industrial classes.

**30.36** Plan "C"—Pre-employment schools and classes in trade and industrial occupations. The George-Barden Act provides for "pre-employment schools and classes organized for persons over eighteen years of age or who have left the full-time school which may be operated for less than nine months per year and less than thirty hours per week and without the requirements that a minimum of fifty per centum of the time must be given to shop work on a useful or productive basis." Since the conditions from which these "pre-employment schools and classes" are to be exempted apply only to trade and industrial education in all-day classes, it is understood that the Act intended to provide for more flexible time arrangements. These courses will have the following characteristics:

**30.36 (1)** They will be designed to provide training for trade and industrial occupations prior to entering employment.

**30.36 (2)** Enrollment will be restricted to:

a. Persons over eighteen years of age, or

b. Persons over the age of fourteen who have left the regular full-time schools.

Plan "C" will be organized and operated when a need for this particular type of training develops. The same standards will be used as outlined under section 30.24(1)—Plan "A" excepting the time restrictions which are set up for hours of instruction per week, months of instruction per year and proportion of time to be given to useful or productive work.

**30.37** Qualifications of students.

Pupils shall be at least sixteen years of age

for admittance to courses under Plan "A" and Plan "B." Under Plan "C" students will be admitted to these courses as stated in "b" under Plan "C."

**30.38 Plan for co-ordination for each type of class.**

The duties and qualifications for co-ordinators of evening, part-time and all-day trade and industrial classes are included in the standards set up for each of these trade training programs.

**Division III**

**LOCAL ADVISORY COMMITTEES**

**30.39 Plan for use.** Plan for the use of local advisory committees. The objectives of instruction offered in the field of trade and industrial education are to prepare prospective workers for advantageous entrance into industrial pursuits and to increase the knowledge and skills of those already engaged in specific trades or occupations. Therefore, employer and employee groups have a vital interest in this type of education and should be consulted by school authorities regarding the establishment and conduct of such training in order that the instruction may be organized to meet most effectively the stated objectives. The advice and counsel of representative advisory committees composed of equal representation of employers and employees, with others serving as consultants, is essentially needed in connection with such problems as student counseling and guidance, content of courses, qualifications of instructors, proper and adequate equipment, and standard practices in the trade or occupation for which instruction is offered.

Recommendations and suggestions of the committee should be formal and made a matter of record in the minutes of the meetings. It should also be a part of the committee's responsibility to follow up actions taken and results of all recommendations.

**30.39 (1) Type.** Past experience indicates that equal numbers of representatives of employers and employees selected from industry should constitute the local advisory committee.

**30.39 (2) Interest represented and numbers from each.** Local advisory committees should be composed of at least three employers and three employees from industries. The representatives of employers and employees should constitute the committee, with the representatives of local agencies serving as consultants without a vote. Each local advisory committee should include as consultants one representative each from the state public employment service and local director or co-ordinator of the public school vocational trade training program.

**30.39 (3) Method of selection.** The local board of education, or its authorized representative, should use the following procedure in selecting members:

a. Request, in writing, the various local employer associations to nominate a definite

number of employers from industries to serve as representatives. From these lists of nominees select the number of representatives needed, so that the employee-employer representation shall be equal.

b. Request, in writing, the various recognized bona fide labor organizations with jurisdiction to nominate a definite number of employees from industries to serve as representatives. From these lists of nominees select the number of representatives needed so that the employee-employer representation shall be equal.

c. Request, in writing, the state agencies to be represented to name persons to serve as consultants.

**30.39 (4) Term of office.** Terms in office should be staggered in order that no member might serve beyond the three-year term without reappointment.

**30.39 (5) Duties.** The local advisory committee should counsel and advise the local school authorities in matters such as:

a. Determination of the essential occupations and industries in the community.

b. Determination of the type-jobs, job specifications, subject matter, and number of workers to be trained.

c. Determination of the possibilities of training for various jobs, from the standpoint of instructors, equipment and space.

d. Selection of craft or occupational consultants.

e. Development of the local program.

**30.40 Meetings.** The advisory committee should meet on call from the local director or co-ordinator of vocational trade and industrial education.

The local advisory committee should meet at least once a month in order to check on the progress of the training program and advise on other operational problems to be presented by the committee members or local school representative.

**30.41 Craft committees.** Before courses are organized for a specific craft or occupation the local advisory committee should consult representatives from that particular craft or occupation. The labor organizations concerned should be requested, in writing, to select representatives to serve with the committee as consultants. Where needed, individual craft committees should be organized under the same plan which is set forth for local advisory committees.

**Division IV**

**TEACHER TRAINING PROGRAM**

**30.42 Duties of teacher trainers.** The state supervisor of trade and industrial education shall be responsible for the supervision of the entire teacher training program for trade and industrial education under the direction of the state board for vocational education and sufficient amount of his time shall be given to this work. He shall have direct supervision of all

teacher training done through the designated state institutions and local boards of education. He shall be responsible for the organization of resident, extension, itinerant, and short-unit courses and for conferences called for industrial teachers in service. He shall maintain an adequate program of supervision and instruction of teachers who have entered service, and shall give practical and supervised teaching on the job. He shall be in close touch with the entire field of teacher training in trade and industrial education, and shall be prepared to report to the state board for vocational education on its progress. Each institution shall report to him each course including qualifications of persons enrolled for his approval before reimbursement can be claimed. The teacher trainers' duties are concerned with the improvement of instruction as outlined in this section of the plan. They are not responsible for the approval of instructors and courses of instruction which are organized and operated in state or local vocational trade and industrial training programs.

**30.43 Qualifications of teacher trainers.**

**30.43 (1) Professional education.** He must be qualified in the following approved educational subjects under an approved qualified teacher trainer including:

- a. Supervision and administration of trade and industrial schools.
- b. Making and utilization of trade and job analyses for training trade teachers and organization of content for trade courses.
- c. Methods of training trade teachers which may be partially gained in service in which case approval shall be conditional until requirements are fully met. Approval shall be for such definite period as is deemed desirable in order to complete this training.

**30.43 (2) Technical training.** In lieu of one year there may be substituted the four years of shop training in trade and industrial courses at Iowa State College or similar courses in other approved institutions.

**30.43 (3) Work experience.** Trade experience shall be adequate (at least three years) practical working experience as a wage earner in trade or industrial occupations.

**30.43 (4) Teaching experience in approved trade classes.** Teaching experience shall be at least three years of successful experience as a teacher of approved vocational trade classes which meet the standards of the state plan. This experience may be partially gained in service in which case approval shall be conditional until requirements are fully met. Approval shall be for such definite period as is deemed desirable in order to acquire the required experience.

**30.43 (5) Supervisory or administrative experience.** Supervisory experience shall be adequate, covering at least three years in a responsible administrative or supervisory capacity in the field of industry or industrial

education, and must include supervisory experience in trade and industrial education of an approved vocational grade.

**30.44 Systematic group instruction for shop teachers.**

The state board for vocational education through the state supervisor and other assigned itinerant approved qualified teacher trainers shall be responsible for the training of teachers who have entered service. This shall be done through unit courses of instruction or conferences called to consider specific problems related to administration and methods of teaching for upgrading vocational teacher problems.

**30.45 Entrance requirements.**

**30.45 (1)** Competent tradesmen meeting standards set up in the state plan.

**30.45 (2)** General education and characteristics must meet minimum requirements set up in state plan.

**30.46 Length of course.** Approximately eighteen quarter credits. Extension units of teacher training shall be completed within the calendar year except for supervised teaching which may cover two calendar years.

**30.47 Plan for training.** The state board for vocational education in co-operation with the Iowa State University shall conduct itinerant teacher-training courses in short units through extension in local communities where there is a need for improving vocational trade and industrial teachers in service.

Instruction for individual teachers or groups will be conducted when necessary under the provisions of section 30.44.

**30.48 Course of study.** The following units of work are offered to qualified shop teachers of evening, part-time, or day trade vocational classes in the itinerant program of teacher training.

*Philosophy of vocational education*, either "a" or "b".

a. *Social significance of industrial education* .....three qt. cr.

Social influences bearing on industrial education and effects of this form of education on society.

b. *Foundations of industrial education* .....three qt. cr.

Development of vocational education movement; Smith-Hughes and George-Barden Acts, state plans and laws related to industrial education.

*Trade and job analysis* .....three qt. cr.  
Basic types of analyses. Practice in preparation of instructional materials.

*Technique of teaching trades* ..three qt. cr.  
Teaching processes, methods of presentation and testing, lesson planning, organization of instruction.

*Problems in industrial education* .....three qt. cr.  
Organization, administration and supervi-

sion of industrial education programs in the public schools.

*Co-ordination in part-time education* .....three qt. cr.

Organization and supervision of part-time education, problems of the co-ordinator.

*Industrial conference methods*..three qt. cr.

Use of conference method in instruction. Study and practice of conference procedures, devices and techniques.

**30.49 Requirements for completion.** Extension units of training must be completed within the calendar year when such units are given for required teacher training credits. Certificates will be issued by the teacher training institution upon the successful completion of each unit course.

**30.50 Relation to certification.** Persons who have fulfilled the teacher training provisions and met the requirements as to vocational experience and contact as outlined in this plan shall be approved by the state board for vocational education to teach trade subjects in the vocational schools of the state. Certification is granted by the state board of educational examiners.

*Note: The above-mentioned required courses shall be completed within a five-year limit in order that the vocational trade and industrial teacher can be certified by the state board for vocational education as a fully qualified instructor.*

**30.51 State or district conferences.** The state board for vocational education will conduct such state or district teacher training conferences as are necessary for the upgrading of trade and industrial teachers. Problems relating to administration and methods of teaching in the vocational trade and industrial education field will be given special attention on these conference programs.

*Note: Reimbursement may be made on railroad fare only to approved qualified trade and industrial teachers when attending state or district conferences called by the state board for vocational education.*

**30.52 Related subjects teachers.**

The itinerant teacher training program for related subjects teachers will be organized and conducted by the state board for vocational education as outlined in the plan for training shop teachers.

**30.53 Continuation school teachers.**

Special training of continuation school teachers and co-ordinators will be done through extension by the state board for vocational education with such special help of the designated teacher trainer as may be necessary. This training will be given under a similar plan as outlined for the training of shop teachers.

*Note: Systematic individual instruction and short intensive instruction for individuals or groups will be conducted when necessary under the provisions of section 30.44.*

**30.54 Local programs.** Local boards of education through the local qualified supervisor approved by the state board for vocational education shall conduct conferences and teacher training courses as are essential to the upgrading of the local corps of vocational trade and industrial teachers.

**30.54 (1) Entrance requirements.** Competent trademen with general education and characteristics which meet the requirements set up in the state plan.

**30.54 (2) Length of course.** Six courses of teacher training are offered in units of thirty-six clock hours each. Each course must be completed within the calendar year except for supervised teaching which may cover two calendar years.

**30.54 (3) Plans for giving training.** The state board for vocational education in co-operation with approved qualified teacher trainers will assist in organizing and conducting local teacher training programs in communities where no qualified local supervisors are in charge. In all cases local teacher training programs must be approved by and under the direct supervision of the state board for vocational education.

**30.55 Course of study.** The following units of work are offered to approved qualified shop teachers of evening, part-time, or day trade classes:

*Philosophy of vocational education, either "a" or "b."*

*a. Social significance of industrial education* .....three qt. cr.

Social influences bearing on industrial education and effects of this form of education on society.

*b. Foundations of industrial education* .....three qt. cr.

Development of vocational education movement; Smith-Hughes and George-Barden Acts, state plans and laws relating to industrial education.

*Trade and job analysis* .....three qt. cr.  
Basic types of analyses. Practice in preparation of instructional materials.

*Technique of teaching trades* ..three qt. cr.  
Teaching processes, methods of presentation and testing, lesson planning, organization of instruction.

*Problems in industrial education* .....three qt. cr.

Organization, administration and supervision of industrial education programs in the public schools.

*Co-ordination in part-time education* .....three qt. cr.

Organization and supervision of part-time education, problems of the co-ordinator.

*Industrial conference methods*..three qt. cr.  
Use of conference method in instruction. Study and practice of conference procedures, devices and techniques.

**30.56 Requirements for completion.** No graduation is required. Certificates will be is-

sued by the teacher training institution or local boards upon the successful completion of each unit.

**30.57 Relation to state and local certification.** Persons who have fulfilled the teacher training provisions and met the requirements as to vocational experience and contact as outlined in this plan shall be approved by the state board for vocational education to teach trade subjects in the vocational schools of the state. Certification is granted by the state board of educational examiners.

*Note: The above-mentioned required courses shall be completed within a five-year limit in order that the vocational trade and industrial teacher can be certified by the state board for vocational education as a fully qualified instructor.*

**30.58 Related subjects teachers.**

Local supervisors will prepare teachers of related subjects as outlined in the plan for training shop teachers. Entrance requirements shall include sufficient trade and industrial experience to make satisfactory correlation between related and manipulative skills. It is desirable that the teachers meet requirements for teachers of related subjects as set up in the plan. Preparation of teachers not fully meeting the entrance requirements must have the approval of the state supervisor of trade and industrial education.

*Note: Systematic individual instruction and short intensive instruction for individuals or groups will be conducted when necessary under the provisions of section 30.52.*

**30.59 Institution programs.**

**30.59 (1) Entrance requirements.** Competent tradesmen meeting state plan requirements. Prospective teachers must produce satisfactory evidence indicating trade experience. General education and characteristics must meet minimum requirements set up in state plan.

**30.59 (2) Length of course.** Six courses of teacher training are offered in units of thirty-six clock hours each. Each course must be completed within the calendar year except for supervised teaching which may cover two calendar years.

**30.59 (3) Plan for giving training.** Teacher training shall be undertaken by Iowa State University in resident courses and through extension courses. Both resident and extension courses shall consist of short units.

**30.60 Courses of training.**

**30.60 (1) Titles of courses with brief descriptions.**

*Philosophy of vocational education, either "a" or "b".*

*a. Social significance of industrial education . . . . .three qt. cr.*

Social influences bearing on industrial education and effects of this form of education on society.

*b. Foundations of industrial education . . . . .three qt. cr.*

Development of vocational education movement; Smith-Hughes and George-Barden Acts, state plans and laws relating to industrial education.

*Trade and job analysis . . . . .three qt. cr.*  
Basic types of analyses. Practice in preparation of instructional materials.

*Technique of teaching trades . .three qt. cr.*  
Teaching processes, methods of presentation and testing, lesson planning, organization of instruction.

*Problems in industrial education . . . . .three qt. cr.*  
Organization, administration and supervision of industrial education programs in the public schools.

*Co-ordination in part-time education . . . . .three qt. cr.*  
Organization and supervision of part-time education, problems of the co-ordinator.

*Industrial conference methods. .three qt. cr.*  
Use of conference method in instruction. Study and practice of conference procedures, devices and techniques.

*Note: Provision is made for observation and supervised teaching to a total of three quarter credits additional.*

**30.61 Requirements for completion.**

No graduation is required. Certificates will be issued by the teacher training institution upon the successful completion of each unit.

**30.62 Relation to state certification.**

Persons who have fulfilled the teacher training provisions and met the requirements as to vocational experience and contact as outlined in this plan shall be approved by the state board for vocational education to teach trade subjects in the vocational schools of the state. Certification is granted by the state board of educational examiners.

*Note: The above-mentioned required courses shall be completed within a five-year limit in order that the vocational trade and industrial teacher can be certified by the state board for vocational education as a fully qualified instructor.*

**30.63 Nonresident courses.**

Extension courses may be offered to vocational and nonvocational teachers who will become supervisors, and administrators of public schools for the purpose of promoting a program of trade and industrial education or to enable these persons to better co-operate with established programs of trade and industrial education. The following courses may be used for such purposes:

Social significance of vocational education.  
Foundations of trade and industrial education.

Problems in industrial education.

**30.64 Related subjects teachers.**

Iowa State University will prepare teachers of related subjects as outlined in the plan for training shop teachers. Entrance requirements



shall include trade and industrial experience as set up in the state plan to make satisfactory correlations between related and manipulative skills. It is desirable that prospective teachers meet the requirements for teachers of related subjects as set up in the plan. Prospective teachers not fully meeting the entrance requirements must have the approval of the state supervisor of trade and industrial education.

All courses and enrollment shall be reported to the state supervisor of trade and industrial education and have his approval before reimbursement can be claimed.

### 30.65 Continuation school teachers — entrance requirements.

30.65 (1) Certification as an elementary or secondary school teacher.

30.65 (2) At least two years of successful teaching experience and meeting requirements set up in the state plan.

### 30.66 Plan of training.

Special training of continuation school teachers and co-ordinators shall be done through extension by the state board for vocational education with such special help as may be needed from designated qualified teacher trainers.

### 30.67 Course of study.

*Philosophy of vocational education*, either "a" or "b".

a. *Social significance of industrial education* .....three qt. cr.

Social influences bearing on industrial education and effects of this form of education on society.

b. *Foundations of industrial education* .....three qt. cr.

Development of vocational education movement; Smith-Hughes and George-Barden Acts, state plans and laws relating to industrial education.

*Problems in industrial education* .....three qt. cr.

Organization, administration and supervision of industrial education programs in the public schools.

*Co-ordination in part-time education* .....three qt. cr.

Organization and supervision of part-time education, problems of the co-ordinator.

### 30.68 Requirements for completion.

No graduation is required. Certificates will be issued by the teacher-training institution upon the successful completion of each unit.

### 30.69 Relation to state certification.

Proper certification by the state board of educational examiners is a condition precedent to a teacher entering upon continuation school work.

However, successful completion of the above courses shall be a condition precedent to approval of the school in which the teacher works.

### 30.70 Plan for workshop.

30.70 (1) The state supervisor, with the co-operation of the teacher trainer, may or-

ganize workshops for local directors, supervisors, co-ordinators and teachers of trade and industrial education for the purpose of preparing teaching aids and improving instruction.

30.70 (2) These workshops may be conducted on the campus of the designated teacher training institution or in centers designated by the state supervisor.

30.71 **Standards.** The agency or agencies conducting workshops will be subject to the same standards which are set up under section 30.44 et seq. Plans for workshops must be approved by the state supervisor of trade and industrial education and the teacher trainer.

### 30.72 Plan for training.

Plans for training of co-ordinators and supervisors are covered in section 30.47.

### 30.73 Plan for training conference leaders for foremen and supervisory training programs.

#### 30.73 (1) *Training conference leaders.*

There shall be conducted from time to time, when conditions warrant it, conferences for the training of foreman conference leaders by members of the staff of the state board for vocational education, its teacher training agents, or other approved qualified persons designated by the board.

#### 30.73 (2) *Training instructor foremen.*

The following plan will be pursued in training foremen in their instructional responsibilities.

a. Purpose of the proposed course is to introduce and promote employee training in the field of industry and trade.

b. The courses are intended for persons ranking as working foremen or assistant foremen, and supervisors having as part of their duties the directing of one or more assistants.

#### 30.73 (3) *General method of procedure.*

a. Methods of discussion and analysis shall be used throughout. Men shall be led with a discussion of specific cases in the more familiar industrial occupations, and from these discussions shall be developed the generalized statements.

b. Discussion sheets, analysis forms, and reports to lead thought in the desired direction shall be used. These courses are intended to follow a preliminary of one to four units of nine two-hour sessions dealing with the problems of foremanship.

30.73 (4) *Qualifications of personnel to be employed.* Foremen and supervisory conference leaders shall meet the requirements set up for evening school instructors in section 30.4 (3).

Personnel engaged in foreman instructor training shall meet the qualifications for teacher trainers which are set up under section 30.43.

### 30.74 Plan for certifying teachers, co-ordinators, supervisors and conference leaders.

Provisions for certification are made in the state plan section 30.44 et seq.

**30.75 Plan for studies, investigations, research, and the preparation and distribution of professional and technical material for employed teachers.**

**30.75 (1)** Provision for research and investigation. Research and investigation may be maintained in designated teacher training institutions when organized, approved, and supervised in accordance with the general provisions as outlined in 30.44 et seq. All research activities shall be in the field of immediately useful studies and shall function directly to the furtherance of the entire program of trade and industrial education of vocational grade.

**30.75 (2)** This plan for teacher training presumes to cover the various opportunities offered for training shop and related subjects teachers as contemplated for the immediate future, but reserves the right to submit variations as they may arise for the training for unit trade, general industrial, evening, part-time continuation, trade extension, and preparatory school teachers.

## CHAPTER 31 GUIDANCE

### DIVISION I REIMBURSABLE SUPERVISION

31.1 Federal funds.

#### DIVISION II VOCATIONAL GUIDANCE PROGRAM

- 31.2 Conditions for reimbursement.
- 31.3 Types of services.
- 31.4 Counselors.
- 31.5 Qualifications of counselors.
- 31.6 Part-time counselor.
- 31.7 Out-of-school groups.

#### DIVISION III LOCAL ADVISORY COMMITTEES

31.8 Formation.

#### DIVISION IV COUNSELOR TRAINING PROGRAM

- 31.9 Reimbursable program.
- 31.10 Preservice training.
- 31.11 In-service training.
- 31.12 Materials.

### Division I REIMBURSABLE SUPERVISION

**31.1 Federal funds.** Federal funds may be used to reimburse the salaries and necessary travel of qualified local supervisors of vocational guidance on a full or part-time basis for in-school and out-of-school groups. The state board for vocational education shall assume responsibility for approving and evaluating the effectiveness of the local supervisory program.

**31.1 (1)** *Types of supervisory organization for which funds may be used.*

- a. Supervision in a local administrative unit.
- b. Supervision in county school systems.
- c. Supervision in two or more administrative units.

d. Supervision in special schools, such as evening, adult, part-time and area.

#### 31.1 (2) *Duties of local supervisors.*

a. Shall supervise the vocational guidance services in public schools and programs for out-of-school groups.

b. Shall develop means of improving the professional preparation of counselors under his supervision.

c. Shall conduct group conferences and meetings for the purpose of improving local programs of guidance.

d. Shall devote time to making supervisory visits with counselors and teachers in order to improve the guidance program.

e. Shall co-operate with other supervisors, co-ordinators and special personnel in order to make the benefits of a guidance program available to the entire school system and community.

f. Shall in co-operation with local school administrators and supervisors survey the school facilities to ascertain the best means for developing a guidance service suited to the schools and the community.

g. Shall prepare proposals to assist the school administrator in organizing and using a guidance service on the local level.

h. Shall plan studies, surveys and evaluations in the guidance field.

i. Shall secure, interpret and disseminate educational and occupational information from national, state and local sources.

j. Shall prepare in advance an agenda or program for each year's work and present it to the local school administrator.

k. Shall prepare all reports and records for local programs as required by the local administrator.

l. Shall develop and make available practices and techniques for selection of students for specialized training.

#### 31.1 (3) *Qualifications of local supervisors.*

a. General—the supervisor shall possess a degree in education from a standard accredited college.

b. Professional—the supervisor shall have completed at least one year of graduate work in education in a recognized college or university. This graduate work shall include at least one course in each of the following areas:

Organization and administration of guidance services.

Analysis of the individual.

Counseling.

Educational and occupational information.

In addition to those above, the supervisor will have completed courses in the principles and practices of vocational education.

c. Teaching—the supervisor shall have had at least two years of successful teaching experience in the public schools of a secondary grade.

d. Counseling—two years of counseling experience.

e. Occupational—one year of wage-earning experience in jobs other than teaching or counseling.

### Division II

#### VOCATIONAL GUIDANCE PROGRAM

**31.2 Conditions for reimbursement of a vocational guidance program.**

Federal funds when available may be used for reimbursement on the local level when the guidance program serves a school or group of schools maintaining a vocational course or courses and where program meets requirements of the state plan.

**31.3 Types of services to be rendered all groups.**

**31.3 (1)** Assisting the individual in finding out his interests, abilities, and opportunities.

**31.3 (2)** Continuing a program of collecting, maintaining and using educational and occupational information.

**31.3 (3)** Providing individual counseling for in-school youth and selecting and planning for their educational and vocational objectives.

**31.3 (4)** Continuing individual counseling for in-school youth who have selected and are progressing towards their vocational or educational objectives.

**31.3 (5)** Providing follow-up studies of school drop-outs for purpose of securing occupational information, further aiding the students, aid to curriculum revision and evaluating the counseling services.

**31.3 (6)** Assisting in placement in the next opportunity by both direct activities and referral agencies, part-time, full-time, before and after leaving school.

**31.4 Duties and qualifications of counselors.**

**31.4 (1) Duties of full-time, in-school group counselors pertaining to individuals.**

a. Assist in preparing individual inventories.

b. Secure, prepare and utilize educational and occupational information.

c. Counsel with individuals in need of service.

d. Conduct follow-up studies of value to the individuals, the school and the community.

e. Assist in making placements.

f. Locate and maintain relationships with referral and resource agencies in assisting individuals in need of special assistance.

**31.4 (2) Promoting faculty participating in guidance activities:**

a. Encourage and assist teachers to utilize guidance services and to contribute to guidance resources.

b. Providing leadership in identifying and studying guidance problems.

c. Assisting the teacher in analyzing problems as they relate to individual pupils.

d. Assisting the teacher in securing and utilizing occupational and educational information related to his subject field.

**31.4 (3) Aiding the principal and staff in using the guidance program in adapting the school to the needs of individuals and the community:**

a. Evaluating the results of the guidance program.

b. Conducting surveys, studies and investigations within the guidance field.

c. Suggesting needs for curriculum changes.

d. Planning the adaptation of work experience programs to individual needs.

e. Developing selection procedures.

f. Adapting guidance data to administrative uses.

**31.5 Qualifications of full-time counselor—**

**31.5 (1) General:** Meet state education requirements for a teacher in the grade and kind of school in which the counselor is employed.

**31.5 (2) Professional:** Shall have completed one course in each of the following areas:

Organization and administration of a guidance program,  
Counseling,  
Educational and occupational information,  
Analysis of the individual,  
Principles and practices of a guidance program.

The counselor should select additional courses from the following:

Labor relations,  
Sociology,  
Political science,  
Principles and practices of vocational education,  
Mental hygiene,  
Adolescent psychology.

**31.5 (3) Experience.**

a. Two years of successful teaching in the grade or kind of school in which the counselor is employed.

b. One year of wage-earning experience other than teaching or counseling.

**31.6 Part-time counselor.**

The part-time counselor in the reimbursed program of guidance shall have the same duties and basic qualifications as those of the full-time counselor except as noted below. (Part-time shall mean a minimum of three 60-minute periods per day.)

**31.6 (1) General.** Same as full-time counselor.

**31.6 (2) Professional.** One course in each of the following areas:

Principles and practices of guidance program.

Organization and administration of a guidance program.

Counseling.

**31.6 (3) Experience.**

a. One year of successful teaching in the grade or kind of school employed.

b. One year wage-earning experience.

**31.7 Out-of-school groups.**

Full-time or part-time counselors for out-of-school groups shall have the qualifications of a full-time counselor for in-school groups with exceptions as noted below:

**31.7 (1) Education—same.**

**31.7 (2) Experience.**

a. Shall have three or more years of work experience in as many fields.

b. Shall have at least two years of counseling experience.

**Division III**

LOCAL ADVISORY COMMITTEES

**31.8 Formation.** School systems contemplating a reimbursed vocational guidance program will be encouraged to enlist the advice and counsel of a committee made up of representatives of schools, business, industry, agriculture, homemaking, employment services and other interested groups. They shall be invited to serve by the local school authorities, and shall function in a way which shall contribute most of the development, maintenance and evaluation of the guidance services.

**Division IV**

COUNSELOR TRAINING PROGRAM

**31.9 Reimbursable program.** Federal funds may be used to maintain a state program of training for counselors when the classes are organized and conducted for groups composed of persons enrolled in a program qualifying for vocational counseling, of persons enrolled in a program qualifying for vocational teachers and of groups composed of teachers, counselors, supervisors or directors of vocational education or vocational guidance.

**31.9 (1) Duties of counselor trainers.**

a. Conducting counselor training classes on-campus.

b. Conducting counselor training classes off-campus.

c. Supervising directed counseling activities for trainees.

d. Assisting the supervisory staff in organizing and conducting in-service trainees activities.

e. Developing research activities related to vocational guidance at the request of the state board.

f. Developing materials and aids for counselors.

**31.9 (2) Qualifications of counselor trainers.**

a. General: Same basic training as required for state supervisory staff in guidance.

b. Professional: Graduate degree with a

major of at least thirty hours in the field of guidance with training in each of the following:

Analysis of individual.

Counseling.

Educational and occupational information.

Organization and administration of guidance programs.

Additional work should include courses in:

Research methods in guidance.

Tests and measurements.

Administration of secondary schools.

Mental hygiene.

Labor relations.

Curriculum building.

c. Two years of successful teaching experience in public schools of secondary grade.

d. One year of administrative or supervisory experience.

e. Two years of wage-earning experience other than teaching or counseling.

f. Two years of counseling experience (full time).

**31.9 (3) Qualifications of trainees.**

a. Persons enrolled in a program of study which upon completion will enable them to qualify as vocational teachers or counselors.

b. Counselors, administrators, teachers, supervisors, co-ordinators or directors of vocational education or guidance service.

**31.9 (4) Allocation of responsibility among agencies.**

a. The state board for vocational education shall assume responsibility for maintaining an adequate program of counselor training. The state board may employ a person or persons who meet the qualifications for a counselor or trainer as described in subsection 2 to supply service on an itinerant basis to organized groups or on an individual basis in the several administrative units, in workshops, conferences, or by such other methods as may be necessary. The counselor trainer shall be approved by the state board for vocational education.

b. Local boards of education may employ a counselor trainer as described in subsection 2 to supply instructional services to classes, workshops, conferences and to work on an individual basis in the administrative unit. The counselor trainer shall be appointed by the local administrative officer upon recommendation of the state supervisor of guidance services and subject to the approval of the state director of vocational education.

c. Those institutions which may be designated and approved as counselor training institutions may employ one or more persons as counselor trainers who meet the qualifications described in subsection 2 to teach on and off campus the courses listed in this plan as requisites of qualifications as counselors, local supervisors, state supervisors, counselor trainers, and such other courses as may be offered under the provision of this plan and to per-

form other duties as described in subsection 1. Iowa State University has been designated as the counselor training institution.

**31.10 Preservice training of counselors.**

**31.10 (1) Undergraduates.**

a. Persons eligible for enrollment shall be in the fourth year of study as an undergraduate and engaged in a program of study which on completion will enable them to qualify as counselors.

b. Reimbursable courses.

<i>Title</i>	<i>Brief Description of Courses</i>
**Principles and practices of guidance program	An over-all view of the counselor's function in the total guidance program including philosophy, principles and practices of a functional guidance service.
Techniques of counseling	Collecting and interpreting data for the cumulative record. The use of various tools and devices in assisting the individual to solve his personal, educational, and vocational problems. This course should be of elementary nature and designed to acquaint the teacher with counseling processes.

**31.10 (2) Graduate.**

a. Persons eligible for enrollment shall be college graduates with at least one year of teaching experience and who meet the qualifications outlined in chapter 33.

b. The following courses on the graduate level may be reimbursed:

<i>Course Areas</i>	<i>Course Titles</i>
Counseling	*Techniques in counseling Practice counseling Seminar in counseling
Analysis of individual	*Techniques of the individual inventory Tests and measurements Testing for special characteristics Psychology of individual differences First principles of mental hygiene Clinical methods in individual analysis
Educational and occupational information	Nature and sources of educational and occupational information *Function and techniques of educational and occupational information Seminar in educational and occupational information, including community surveys, follow-up studies and other procedure
Organization and administration of guidance program	*Administrative relationships in the guidance program The counselor's role in the school and community

Seminar and practicum  
\*\*Principles and practices of the guidance program  
\*\*Philosophy, principles and practices of vocational education.

**31.11 In-service training.**

**31.11 (1) Group work.** The state supervisory staff and local supervisors may organize and direct workshops, conferences, and other group activities for those employed as teachers or counselors in the administrative unit under his supervision.

**31.11 (2) Individualized work.** The state supervisory staff and local supervisory staff may render individual professional services to counselors and staff members under their supervision through co-operative evaluation and in assisting the counselor in planning for the extension and refinement of guidance services on whatever problem and at whatever level they may arise.

**31.12 Materials.** The preparation, distribution and utilization of guidance materials for the professional use of guidance and vocational personnel are to be recommended by the state supervisor of guidance and approved by the state director of vocational education. Studies, investigations and research for the purpose of securing information useful to the guidance program may be made by counselors, local supervisors, state vocational personnel or others approved by the state board for vocational education.

CHAPTER 32  
GENERAL CONDITIONS

- 32.1 Matching.
- 32.2 Reimbursement to schools.
- 32.3 Purposes other than teacher training.
- 42.4 Teacher training.
- 32.5 Travel.
- 32.6 Purchase or rent of equipment.
- 32.7 Limitation on expenditures of federal funds.
- 32.8 Local directors.
- 32.9 Duties of director.
- 32.10 Qualifications of local director.
- 32.11 Methods of instruction.
- 32.12 Plant and equipment.
- 32.13 Maintenance of instruction.
- 32.14 Well-rounded course.
- 32.15 Typical courses.
- 32.16 General provisions.
- 32.17 Co-operation between services.
- 32.18 Training and work experience for out-of-school youth.

*General conditions applicable to the preceding five service areas: Agriculture, Distributive Education, Home Economics Education, Trade and Industrial Education, and Guidance Services.*

**32.1 Matching.** Every dollar of Smith-Hughes and George-Barden federal funds ex-

\*Required courses.  
\*\*Philosophy, principles and practices of vocational education.

pending must be matched by a dollar of state and/or local money.

### 32.2 Reimbursement to schools.

32.2 (1) All schools submit an application for approval each year covering all work to be carried on. When properly approved, this becomes a contract under which a local school may operate and receive reimbursement.

32.2 (2) Such reports covering work as may be required by the board for vocational education shall be submitted by the local school.

32.2 (3) Final notarized reports asking for reimbursement shall be submitted and checked before reimbursement can be granted.

32.2 (4) In addition to personal visits to supervise and check local programs, all reports including reimbursement requests must be approved by service supervisors.

### 32.3 Purposes other than teacher training.

#### 32.3 (1) *Smith-Hughes funds.*

a. Salaries of teachers, supervisors, and directors of vocational agriculture who are properly qualified under the standards set up in this plan and in accordance with the provisions of the national vocational acts.

b. Salaries of teachers of trade, homemaking, and industrial subjects who are properly qualified under the standards set up in this plan, and in accordance with the provisions of the national vocational acts.

#### 32.3 (2) *George-Barden funds.*

a. Salaries and travel expenses of teachers, supervisors, and directors of agricultural subjects, homemaking subjects, trade and industrial subjects, distributive subjects, and vocational guidance.

b. Travel expenses of members of state advisory committee to meeting called by the board for vocational education.

c. Travel expenses for consultants when called to conferences by the board for vocational education.

d. Travel expenses of the state board for vocational education and executive officer of the board when on official business.

e. For the purchase or rent of equipment and supplies for vocational instruction.

f. For rental of space including light, heat, janitor service when not available in public buildings on the state level.

g. For the maintenance of research in the fields of vocational education.

h. For pre-employment schools and classes organized for persons over eighteen years of age or who have left the full-time school.

i. For training and work experience training for out-of-school youth.

j. For a portion of the salary of the executive officer for time devoted exclusively to vocational education.

k. For adequate programs of administration including clerical service, printing, communication and supplies.

l. Local directors of vocational education.

32.4 **Teacher training.** Both Smith-Hughes and George-Barden funds may be used in part for the maintenance of teacher training services as outlined under each service.

32.4 (1) Smith-Hughes federal teacher training funds not less than twenty percent nor more than sixty percent may be expended for any one of the three phases of work—agriculture, homemaking, or trade and industrial education.

32.4 (2) Salaries and travel expenses of teacher trainers when giving short intensive technical courses and conducting workshops.

32.4 (3) Salaries and travel expenses of teacher trainers when giving professional courses in administration of vocational education for school administrators, directors, and supervisors of vocational education. Reimbursement for such courses shall be divided among the several federal funds provided for teacher training.

32.4 (4) For salaries and travel in connection with studies and research and for compilation and distribution of subject matter materials for employed teachers and counselors.

32.4 (5) For maintenance of teacher training, state supervision and research including clerical service, supplies, instruction materials, communication, printing, rent, heat, light, and janitor service.

a. Printing must be confined to instruction materials to be used by teachers in class work.

b. Rent, light, heat, and janitor service may only be reimbursed if they cannot be obtained in a public building.

32.4 (6) For salaries and travel of consultants and college technical subject matter teachers when giving short technical courses for vocational teachers.

### 32.5 Travel.

32.5 (1) George-Barden funds may be used in part for the necessary travel expenses of the state board for vocational education and the executive officer when on official business connected with vocational education.

32.5 (2) George-Barden funds may be used in part for the necessary travel expenses of the employees of the state board for vocational education when on official business in connection with vocational education.

32.5 (3) Within the state.

a. Travel shall include expenses for transportation, meals, and lodgings and shall be subject to the state regulations regarding travel of state employees.

b. All travel of the employees of the state board for vocational education shall be authorized by the board and shall be on official business for vocational education.

**32.5 (4) Outside the state.**

a. Subject to the same regulations as in 32.5(3) "a".

b. Subject to the same regulations as in 32.5(3) "b".

**32.5 (5) Teacher and counselor trainers employed by designated institutions.**

Within the state:

a. Subject to the same regulations as in 32.5(3) "a".

b. Subject to the same regulations as in 32.5(3) "b" and authorized by the employing institutions.

Outside the state:

a. Subject to the same regulations as in 32.5(3) "a".

b. Subject to the same regulations as in 32.5(3) "b".

**32.5 (6) State advisory committees.**

Within the state:

a. Subject to the same regulations as in 32.5(3) "a".

b. All travel of advisory committee shall be to meetings called by the board for vocational education.

Outside the state:

No travel of advisory committees outside the state shall be authorized.

**32.5 (7) Local directors, supervisors, teacher trainers, counselors, and teachers except itinerant teachers.**

Within the service area:

a. Travel expense shall be limited to mileage paid for the use of the teacher's automobile and reimbursement will not exceed the rate authorized for state employees.

b. Travel shall be authorized by the local board of education and a maximum amount shall be indicated in the application for approval.

Within the state but outside the service area:

a. Travel expense shall be limited to transportation at the round trip bus or railroad fare or at the authorized state rate for automobile travel.

b. Travel outside the service area shall be only to meetings called by the state board for vocational education and must be authorized by the local board of education.

Outside the state:

No travel of local teachers outside the state shall be authorized without specific approval of a representative of the state board.

**32.5 (8) Itinerant teachers when employed by the state or by several school districts for short intensive courses.**

Travel expense may include expenses for transportation, meals and lodging and shall

be subject to the approval of the state board for vocational education and state regulations regarding travel of state employees.

**32.6 Purchase or rent of equipment and supplies.**

**32.6 (1)** Federal money shall not be used for the purchase or rental of equipment until the reimbursement needs for instruction shall have been met except when the state board for vocational education specifically authorizes an expenditure to meet an exceptional local or state need.

**32.6 (2)** Equipment shall mean any physical object used in vocational instruction exclusively which may be expected to last, with reasonable care and use, for more than one year.

a. Reference books may be included but the cost of texts for individual students will not be considered reimbursable.

**32.6 (3)** Federal money shall not be used to reimburse local communities for the purchase of supplies.

**32.6 (4)** The state board for vocational education may authorize the purchase of supplies from state and federal funds for specific courses conducted on a state-wide basis.

**32.7 Limitation on expenditures of federal funds.**

**32.7 (1) Trade and industrial part-time classes.**

a. At least one-third of the Smith-Hughes funds allotted to the state for trade and industrial education if expended must be expended for part-time classes meeting for at least one hundred forty-four hours per year.

b. At least one-third of the George-Barden funds allotted to the state for trade and industrial education if expended must be expended for part-time and evening classes.

c. Part-time classes may meet for less than one hundred forty-four hours per year and may include any part-time day school classes for workers sixteen years of age and over.

**32.7 (2) Home economics.**

a. Not more than twenty percent of the Smith-Hughes appropriation for trade and industrial education may be used for home economics.

b. If the trade and industrial service is unable to use more than one-third of its eighty percent of the Smith-Hughes funds for part-time classes, the homemaking service shall be responsible for expending one-third of its Smith-Hughes money for part-time classes as prescribed in the law.

**32.8 Local directors.**

In local communities having more than two approved phases of vocational education and employing at least six approved vocational teachers, the local board of education may be reimbursed on the salary of a local director of vocational education.

**32.9 Duties of local director.**

**32.9 (1)** Carry out the policies of the local board of education in respect to vocational education.

**32.9 (2)** Be responsible for all records and reports for all phases of vocational education in his community.

**32.9 (3)** Encourage and promote vocational education.

**32.9 (4)** Be in charge of some phase of vocational education.

**32.9 (5)** Co-ordinate all phases of vocational education in the local community.

**32.10 Qualifications of local director.**

He shall have the full qualifications of a local supervisor in some approved field of vocational education.

**32.11 Methods of instruction.**

**32.11 (1)** All instruction in day school classes shall be such as will best prepare the student for the occupation which he has chosen. It shall consist, when possible, of class work, discussions, supervised study, laboratory and shop work, field trips, home project work, demonstrations, and the solving of problems. It must be adapted to the maturity and experience of the student.

**32.11 (2)** Part-time school instructions shall be related to the occupation in which the student is engaged or is preparing to enter and will make use of most of the types of work listed under subsection one.

**32.11 (3)** Evening school and instruction shall supplement day employment.

**32.12 Plant and equipment.** The plant and equipment shall be adapted to successful work and subject to the approval of the state board for vocational education.

**32.13 Maintenance of instruction.** A minimum for maintenance shall be established for each service sufficient to assure good work. This minimum shall be subject to the approval of the state board for vocational education and may be changed by them as need arises.

**32.14 Well-rounded course of study.** The supplementary instruction necessary to build a well-rounded course of training for pupils taking vocational subjects shall be provided by the state and local communities and no part of this cost may be charged to the federal vocational funds.

**32.15 Typical courses of study.** Typical courses of study will be found on file in the office of the board for vocational education.

**32.16 General provisions.**

**32.16 (1)** All schools and classes must be under public supervision or control.

**32.16 (2)** The controlling purpose must be to prepare students for useful employment.

**32.16 (3)** The instruction must be of less than college grade.

**32.16 (4)** The instruction must be designed to meet the needs of persons over fourteen years of age.

**32.17 Co-operation between services.**

**32.17 (1)** Regular staff meetings.

**32.17 (2)** Conferences between supervisors where more than one service is working in a community.

**32.17 (3)** Encourage co-ordination of activities in local communities.

**32.17 (4)** Analyze local community when establishing one service to see if others should be encouraged.

**32.17 (5)** In general encourage the development of well-rounded vocational programs in local communities.

**32.17 (6)** Present the various phases of vocational education to interested educational leaders in the state.

**32.18 Training and work experience for out-of-school youth.**

**32.18 (1)** Iowa proposes to use federal funds provided under the George-Barden Act to reimburse schools giving training and work-experience training for out-of-school youth.

**32.18 (2)** Detailed plans for this work will be given in the plan for each service of vocational education.

**32.18 (3)** Training will be given to increase the employability or competency of the worker.

## CHAPTER 33

## REIMBURSEMENT POLICIES

33.1 Matching.

33.2 Distribution.

33.3 Agriculture.

33.4 Distributive.

33.5 Home economics.

33.6 Trades and industry.

33.7 General conditions.

*Reimbursement policies for vocational education programs are determined by the board for vocational education, with the following policies being currently effective:*

**33.1 Matching.** State appropriations for state administration of vocational education are to be matched one hundred percent with federal money where allowable under the federal Acts with the following two exceptions: First, any item that is questionable, as far as use of federal funds is concerned, should be paid one hundred percent from state funds. Second, any item approved by the board for vocational education to be paid more than fifty percent out of state funds does not need to be matched by federal funds.

**33.2 Distribution.** Balance of funds to be distributed to local school districts, and state teacher training institutions (federal funds only), according to the following plans:



**33.2 (1)** As long as funds are available, all reimbursements to be at the rate of fifty percent.

**33.2 (2)** When it is no longer possible to reimburse at fifty percent, the available funds will be prorated for each service as follows:

**33.3 Agriculture.**

**33.3 (1)** Salaries paid for young farmer and adult programs to be reimbursed fifty percent.

**33.3 (2)** Balance of funds to be prorated on regular day school vocational agriculture classes.

**33.3 (3)** When rate of reimbursement falls to a minimum of twenty percent, no new departments will be established until sufficient funds are available to make the rate at least twenty percent for the established schools.

**33.4 Distributive.**

Since all work reimbursed in this service is for part-time or adult classes, salaries will be reimbursed at the fifty percent rate.

**33.5 Home economics.**

**33.5 (1)** Salaries paid for part-time and adult programs to be reimbursed fifty percent.

**33.5 (2)** Reimbursement for summer employment to be at fifty percent rate.

**33.5 (3)** Balance of funds to be prorated on salaries of teachers of regular day school work.

**33.5 (4)** When rate of reimbursement falls to a minimum of fifteen percent, no new departments will be added for reimbursement until funds are available to make the rate at least fifteen percent for established departments.

**33.6 Trades and industry.**

**33.6 (1)** Part-time and adult classes to be reimbursed at fifty percent.

**33.6 (2)** Balance of the funds will be prorated to the day trade classes.

**33.6 (3)** When rate of reimbursement on day trade falls to fifteen percent, no new classes will be reimbursed until funds are available to make the rate at least fifteen percent for established departments.

**33.7 General conditions applying to all services.**

**33.7 (1)** All approved travel to be reimbursed at fifty percent of local expenditures up to and including a rate of seven cents per mile.

**33.7 (2)** All approvals are for current year only.

**33.7 (3)** All services may recommend that certain funds be set aside for special projects and studies which will further the development and improvement of the work of the state.

**33.7 (4)** Any increase in funds shall be used first, to maintain minimums suggested for various services; second, for new programs in school districts; third, to improve and expand going programs; fourth, to increase reimbursement up to the fifty percent rate.

CHAPTER 34

INSTITUTIONAL ON-FARM TRAINING

- 34.1 Purpose.
- 34.2 Objectives.
- 34.3 Authorization.
- 34.4 Agencies responsible.
- 34.5 Responsibilities of state board.
- 34.6 Responsibilities of public schools.
- 34.7 Responsibilities of Veterans Administration.
- 34.8 Approval of schools.
- 34.9 Schools eligible.
- 34.10 Approval withdrawn.
- 34.11 Advisory committee.
- 34.12 Instructors.
- 34.13 Qualifications.
- 34.14 Full-time and part-time instructors.
- 34.15 Program requirements.
- 34.16 Self-employed veteran.
- 34.17 Employee veteran.
- 34.18 Farm defined.
- 34.19 Agreed instruction.
- 34.20 Training requirements.
- 34.21 Trainee's requirements.
- 34.22 Courses of study.
- 34.23 Classroom instruction.
- 34.24 On-farm instruction.
- 34.25 Record of instruction.
- 34.26 Instructor's itinerary.
- 34.27 Size of classes.
- 34.28 Attendance.
- 34.29 Excused absence.
- 34.30 Make-up work.
- 34.31 General limitations.
- 34.32 Report to state board.
- 34.33 Liability of school.
- 34.34 Certificate.
- 34.35 Reports required.
- 34.36 Individual records.
- 34.37 Trainee's folder.
- 34.38 Starting date.
- 34.39 Completion date.
- 34.40 Exceptions.
- 34.41 Terminal date.
- 34.42 Application.
- 34.43 Eligibility certificate.
- 34.44 Supplemental certificate.
- 34.45 Enrollment prerequisite.
- 34.46 P. L. 346 procedure.
- 34.47 Interruption in training.
- 34.48 Report of earnings.
- 34.49 Disabled veterans.
- 34.50 Subsistence allowance.
- 34.51 Dependents' allowance.
- 34.52 Contracts.
- 34.53 Allowable program costs.
- 34.54 Reimbursing schools.
- 34.55 Records to be submitted.
- 34.56 Audits.
- 34.57 Surplus and deficit.

*The following is taken directly from I.O.F.T. B-1, "Iowa Policies and Procedures for Vet-*

*erans Institutional On-Farm Training," a bulletin developed by the state board for vocational education in co-operation with the Veterans Administration, July 1950. This includes the rules and regulations for the conduct of that program in Iowa.*

**34.1 Purpose.** The purpose of Public Law 377, 80th Congress, was to provide a basis for the highest quality of training which might be given to a veteran who elects to pursue a course of institutional on-farm training; to prevent abuses of the institutional on-farm training program; to pay full subsistence allowance to the trainee when he is pursuing full-time institutional on-farm training, and to authorize the administrator of veterans affairs to contract with approved schools for such courses when the administrator finds the agreed cost reasonable and fair.

**34.2 Objectives.** The program is designed to provide intensive vocational training in farming, co-ordinated with the individual veteran's farming program and activities. The training is to be developed with due consideration to the size and character of the farm on which the veteran is working and to the needs of the veteran in the type of farming for which he is training.

The major objectives of the program are to assist the veteran to:

**34.2 (1)** Become successfully established in farming.

**34.2 (2)** Produce farm commodities efficiently.

**34.2 (3)** Market farm products advantageously.

**34.2 (4)** Conserve soil and other natural resources.

**34.2 (5)** Manage a farm business.

a. Keep and use farm and home records.

b. Finance the farm business.

**34.2 (6)** Perform mechanical work in farming.

**34.2 (7)** Maintain a favorable home environment.

**34.2 (8)** Co-operate in community and other agricultural programs.

**34.3 Authorization.** Public Law 346, known as the "G.I. Bill of Rights," authorized institutional and on-the-job training for eligible veterans of World War II.

Public Law 377, passed by 80th Congress of the United States, became effective September 1, 1947. It authorized and set up standards and requirements for "institutional on-farm training" for eligible veterans of World War II. "Instruction No. 9" was issued by the veterans administration on August 28, 1947, to implement Public Law 377.

Public Law 16, the Veterans' Rehabilitation Act, provided for the training and rehabilitation of disabled veterans of World War II.

**34.4 Agencies responsible.** The state board for vocational education, by authority of the governor of the state of Iowa, has been designated to administer and supervise institutional on-farm training. The policies and standards must conform to the general provisions of the federal legislation. A contract has been negotiated between the state board for vocational education and the veterans administration to provide institutional on-farm training in Iowa, effective July 1, 1950.

Local public schools conduct training programs for eligible veterans in their locality under a contract with the state board for vocational education. The local board of education, through its school administrator, is responsible for carrying out the provisions of the training program. The local school has no legal responsibility to the veterans administration, though it is hoped that there will be co-operation with the veteran and the veterans administration for the best development of the program in the state.

**34.5 Responsibilities of board for vocational education.**

**34.5 (1)** Formulate state-wide plans and policies.

**34.5 (2)** Contract with local public schools to provide training.

**34.5 (3)** Maintain standards for enrollments, hours of instruction, progress of trainees, vacations, reports and other items.

**34.5 (4)** Determine standards for qualifications of instructors, classrooms, farm shops, instructional materials, length of courses and other items.

**34.5 (5)** Approve schools, instructors and courses of study.

**34.5 (6)** Reimburse schools for authorized costs of training.

**34.5 (7)** Audit school accounts of expenditures.

**34.5 (8)** Provide supervisory service to public schools.

**34.5 (9)** Co-operate with the veterans administration.

**34.6 Responsibilities of public schools.**

**34.6 (1)** Offer a training program.

**34.6 (2)** Enroll eligible veterans.

**34.6 (3)** Provide rooms, equipment and institutional materials.

**34.6 (4)** Secure qualified instructors.

**34.6 (5)** Make application for approval.

**34.6 (6)** Plan and conduct classroom and individual on-farm instruction.

**34.6 (7)** Evaluate the progress of trainees.

**34.6 (8)** Keep needed records.

**34.6 (9)** Submit required reports.

**34.6 (10)** Administer and supervise the program.

**34.7 Responsibilities of veterans administration.**

**34.7 (1)** Administer the public laws relating to the program.

**34.7 (2)** Look to the welfare of the veterans.

**34.7 (3)** Determine and pay subsistence to veterans.

**34.7 (4)** Determine eligibility and entitlement of veterans for training and issue certificates to veterans.

**34.7 (5)** Provide certain forms and materials.

**34.7 (6)** Supervise Public Law 16 veterans.

**34.7 (7)** Spot check records of participating schools.

**34.8 Approval of schools.** All public schools in the state may offer training programs providing they can meet the minimum standards for rooms and equipment.

**34.9 Schools eligible.** All public secondary schools with approved vocational agriculture departments have been given general prior approval for institutional on-farm training. All other public secondary schools desiring to offer training will be approved if the state board for vocational education determines that facilities and equipment are, or will be made adequate.

**34.10 Approval withdrawn.** The state board for vocational education is responsible for determining that all courses which have been approved continue to meet the requirements of Public Law 377. When such courses do not meet such requirements, it will notify the veterans administration in order that subsistence allowance and training costs may be discontinued effective as of the date of such finding. It is the responsibility of the supervisors to make whatever checks are necessary to assure that the above provision is met.

**34.11 Advisory committee.** Each school shall establish a veterans' agricultural advisory committee for institutional on-farm training. It should be composed of at least five members, at least three of whom are leading farmers and the others with an agriculture background, who are definitely interested in the agricultural welfare of the community. Representatives of the public school should provide information to the committee but should not be members of the committee.

Services of this committee shall be in an advisory capacity to local school authorities for the following purposes:

**34.11 (1)** To recommend to the local school the feasibility of training the veteran through institutional on-farm training, after determining the sincerity of the veteran in his desire to become a farmer and appraising his background, physical fitness, previous agricul-

tural experience and training, and his possibilities for a successful life on a farm.

**34.11 (2)** To counsel the veteran regarding the kind and extent of farming opportunities available or likely to be available during the training period and after training is completed.

**34.11 (3)** To indicate acceptability of a proposed farm as properly equipped and of a size and quality to require the full time of the veteran as a place to train.

**34.11 (4)** To insure, in the case of the veteran who is planning to rent, that a desirable lease agreement is negotiated which will assure the veteran control of the farm.

**34.11 (5)** To recommend approval or disapproval of a proposed or actual employer as a suitable employer-trainer, if the veteran is or proposes to be in training on a farm where he is hired.

**34.11 (6)** To review veteran's individual training program and farm plan and make such recommendations as are deemed advisable.

**34.11 (7)** To make recommendation as to the length of training period required for each veteran to secure a good working knowledge of approved farm practices and familiarize him with recent agricultural developments. For veterans who have completed two years of training, the committee will need to recommend their needs for additional training.

**34.11 (8)** To recommend discontinuance of training where the individual veteran's progress or attendance is unsatisfactory.

**34.11 (9)** To evaluate the wages and wages in kind of farm workers to determine that they are in line with the wages of non-veterans in the community.

**34.11 (10)** To assist in evaluating the accomplishments of the program in the community in terms of the progress of individual veterans in becoming successfully established in farming.

**34.11 (11)** Review V.A. Form 7-1921, application for enrollment.

**34.11 (12)** Review V.A. Form 7-1922, report of earnings for previous year.

**34.11 (13)** Review V.A. Form 7-1905e, application for additional training beyond two years.

**34.12 Instructors.** In order to provide the best possible training for veterans who desire to successfully establish themselves in farming, local schools will be expected to secure instructors who have a farm background, training in farming and if possible, training in teaching farming. Statements of qualifications of instructors must carry the indorsement of local school authorities and must be forwarded for prior approval to the state board for vocational education.

**34.13 Qualifications for instructors.**

**34.13 (1)** When available, instructors must be secured who have two years of experience on the farm after fourteen years of age, who are graduates in agriculture of a standard agricultural college, and who have a minimum of twenty-two quarter hours of credit in education and agricultural education.

**34.13 (2)** When persons with the above qualifications are not available, persons with degrees in agriculture from a standard agricultural college and with recent experience, preferably in farming or otherwise in agricultural work with farm people, may be approved.

**34.13 (3)** Other persons with at least five years of recent and successful experience in operating a farm, and with such general education as will assure their success, may be approved on a year-to-year basis to teach under the supervision of a regular vocational agriculture instructor or instructor with similar qualifications, when instructors with technical training in agriculture are not available.

**34.13 (4)** Special instructors used for single class meetings without pay, need not be approved. The qualifications of other special instructors, if to be paid for special or intensive work, are subject to prior approval. The qualifications of such instructors must show special training or at least three years of successful occupational experience in the work to be taught.

**34.14 Full-time and part-time instructors.**

**34.14 (1)** In any one particular school, an instructor will be classified and paid as a full-time instructor subject to the following class sizes:

a. With four or more classes, each instructor will be assigned a minimum of eighteen and a maximum of twenty-five trainees.

b. With three classes, each instructor will be assigned a minimum of seventeen and a maximum of twenty-five trainees.

c. With two classes, each instructor will be assigned a minimum of fourteen and a maximum of twenty-five trainees.

d. With one final class, the maximum enrollment may not exceed twenty-seven for no more than three months and thereafter twenty-five with a minimum enrollment which does not result in a total cost in excess of \$41.66 per trainee per calendar month (including state costs).

**34.14 (2)** The use of a part-time instructor requires prior approval.

**34.14 (3)** The regular vocational agricultural instructor may be used for that portion of his time not assigned to vocational agricultural work.

**34.14 (4)** A part-time instructor may be used only for a partial class with no more than one part-time instructor used in each school.

**34.14 (5)** Only one instructor may be employed when the enrollment drops to twenty-seven or below.

**34.14 (6)** An instructor on a part-time basis in a school with two or more classes will be assigned the following number of students:

a. One-fourth time—five or more trainees.

b. One-half time—nine or more trainees.

c. Three-fourths time—fourteen or more trainees.

[Filed October 22, 1952]

**34.15 Program requirements.** Institutional on-farm training will include organized classroom and individual on-farm instruction in agriculture and related subjects.

**34.16 Self-employed veteran.** For the self-employed veteran who performs part of his course on a farm under his control, the requirements are:

**34.16 (1)** Organized class room instruction of at least two hundred hours per year at an educational or training institution.

**34.16 (2)** He shall receive not less than one hundred hours of individual instruction per year, not less than fifty hours of which shall be on such farm (with at least two visits by the instructor to such farm each month). Such individual instruction shall be given by the instructor responsible for the veteran's institutional instruction and shall include instruction and home study assignments in the preparation of budgets, inventories and statements showing the production, use of the farm, and sale of crops, livestock products. Not more than fifty percent of above individual instruction may be given in small groups under the provisions of the following criteria:

a. Limited to a maximum of five trainees on a self-proprietor basis.

b. Must be conducted on a neighboring farm.

c. All veterans must actively participate.

**34.16 (3)** He shall be assured of sole control of such farm (whether by ownership, lease agreement, or other tenure arrangement) until completion of his course.

**34.16 (4)** Such farm shall be of a size and character which:

a. Together with the classroom instruction part of the course will occupy the full time of the veteran, all seasons of the year.

b. Will permit instruction in all aspects of the management of a farm of the type for which the veteran is being trained.

c. Will assure him a satisfactory income under normal conditions, at the close of the course.

**34.17 Employee veteran.** For the farm-employee veteran, who performs part of his course as the employee of another, the requirements are:

**34.17 (1)** Organized classroom instruction of at least two hundred hours per year at an educational or training institution.

**34.17 (2)** He shall receive, on his employer's farm, not less than fifty hours of individual instruction per year (with at least one visit by the instructor to such farm each month). Such individual instruction shall be given by the instructor responsible for the veteran's institutional instruction.

a. No credit shall be given for small group instruction.

**34.17 (3)** His employer's farm shall be of a size and character which:

a. Together with the classroom instruction part of the course will occupy the full time of the veteran.

b. Will permit instruction in all aspects of the management of a farm of the type for which the veteran is being trained.

**34.17 (4)** His employer shall agree to instruct him in various aspects of farm management, including the keeping of farm and home accounts in accordance with the training schedule developed for the veteran by his instructor working in co-operation with his employer.

**34.18 Farm defined.** A "farm or other agricultural establishment" shall mean those places where the farm is operated to produce livestock, poultry, grain crops, forage crops, fruits and vegetables which with the instruction will occupy the full time of the trainee. It will not apply to those establishments engaged in the sale, processing or distribution of agricultural products.

**34.19 Agreed instruction.** The school must agree to provide the following instruction:

**34.19 (1)** Except as noted in subsection 2 below, the school will provide not less than the following minimum instruction per month:

a. Organized classroom instruction of sixteen and two-thirds hours.

b. Individual on-farm instruction per farm operator of eight and one-third hours and two visits per month.

c. Individual on-farm instruction per farm employee of four and one-sixth hours and one visit per month.

**34.19 (2)** In the case of accumulative surpluses in excess of the requirement as outlined in subsection 1 above, monthly organized classroom and/or individual on-farm instruction will not be less than:

a. Eight hours of organized classroom instruction.

b. Two individual on-farm instruction visits for each farm operator.

c. One individual on-farm instruction visit for each farm employee.

**34.20 Training requirements.**

**34.20 (1)** No veteran will be approved for training who is already qualified by training and experience for the objective.

**34.20 (2)** The approved period of training for the individual veteran shall be as long as, but no longer than, necessary to attain the objective of a course outlined to meet the needs of the individual veteran. (Maximum of four years)

**34.20 (3)** An individual on-farm training program has been outlined to meet the specific needs of the individual veteran and is on file in the school thirty days after his enrollment.

**34.20 (4)** The veteran who is enrolled as a self-proprietor is assured of sole operational and management control of the farm, as evidenced by a legal control agreement filed for public record, a copy of which is available in the school files for inspection.

**34.20 (5)** The farm is of a size and character which, together with the institutional instruction, will occupy the full time of the veteran, all seasons of the year.

**34.20 (6)** The farm is of a size and quality to be a satisfactory training facility for his training and productive enough to insure the trainee an income sufficient under normal conditions for reasonable living.

**34.20 (7)** The farm is of a size and character to permit instruction in all phases of the management of a farm of the type for which the veteran is being trained.

**34.20 (8)** In the case of the veteran who performs part of his course as the employee of another, the employer shall agree to instruct him in the various phases of farm management, including the keeping of farm and home accounts, in accordance with the training schedule developed for the veteran by his instructor working in co-operation with his employer.

**34.20 (9)** The approved school offering the approved course of institutional on-farm training shall be responsible for supervising the veteran while in training and evaluating his accomplishments and for determining and notifying immediately the state board for vocational education when the veteran-trainee's conduct, attitude or progress is not satisfactory, such as to raise a question as to the desirability of his continuance as a trainee or when the veteran ceases to be in attendance.

**34.20 (10)** The farm is properly equipped.

**34.20 (11)** Only in exceptional cases will it be permissible for more than one veteran to train on one farm; and in no case will more than two veterans train on a single farm. If a bona fide training situation exists, two such veterans may be approved for training only under one of two plans: (1) If both veterans are employed on the same farm and by a qualified trainer who himself is not a trainee. (2) If both veterans have entered into a partnership agreement providing for equal authority between the veterans in the management and operation of a farm in their own control.

**34.20 (12)** A veteran who pursues a course of institutional on-farm training shall be entitled to that leave which the approved school grants to other students but not in excess of thirty days, providing such leave does not interfere with the progress of the trainee. Only such leave will be allowed which is applied for in advance by the veteran and is approved by the instructor. Leave cannot be accumulated and all excused and unexcused absences are to be deducted from the thirty days.

**34.20 (13)** No veteran will be permitted to enter a class which has already been organized and the course of instruction begun unless the approved institution is satisfied that the veteran will be able to complete the approved course without impeding the progress of other trainees.

#### **34.21 Trainee's requirements.**

**34.21 (1)** The trainee must attend class and group instruction regularly and promptly.

**34.21 (2)** All time lost from tardiness and absences must be made up.

**34.21 (3)** The trainee must be available for individual on-farm and group instruction as scheduled by the instructor.

**34.21 (4)** All trainees, self-proprietors and employee-trainees, are required by law, to keep accurate farm accounts on accrual and inventory basis from which correct reports of earnings are made at the end of the calendar year. Trainees who do not keep satisfactory farm accounts will be discontinued from training.

**34.21 (5)** Each trainee must make satisfactory training progress according to an evaluation plan in operation in each school. The trainee must put into operation such practices, improvements and skills which can reasonably be expected to be done during the year.

**34.21 (6)** Each trainee must keep a classroom notebook.

#### **34.22 Courses of study.**

**34.22 (1)** The course shall meet the particular needs of the individual veteran in the type of farming for which he is training, for proficiency in planning, producing, marketing, farm mechanics, conservation of resources, food conservation, farm financing, farm management, and the keeping of farm and home accounts.

**34.22 (2)** A course of institutional on-farm training shall provide for continuous training for the duration of the course and shall be pursued on a full-time basis as defined by Public Law 377.

**34.22 (3)** The course of instruction for any veterans' class should be organized as nearly as possible to fit the needs and interests of the veterans in the particular class. No standard course would fit all sections of Iowa.

**34.22 (4)** The instructor should develop with each veteran a plan of instruction based on his individual needs. From these plans, a course of study can be developed for the class.

**34.22 (5)** Class and individual problems should be taught on a seasonal or need basis.

**34.22 (6)** The course of study for classroom work should be planned to attain the objectives of the course outlined to meet the needs of the individual veterans, but not to exceed four years.

**34.22 (7)** The individual veteran's on-farm instruction plan shall be in the veteran's file.

**34.22 (8)** Outside speakers may be used only when the veteran's instructor has developed the lesson with the speaker.

**34.22 (9)** Moving picture films, slide films and slides should be shown only when they can be well correlated with the job being discussed.

**34.22 (10)** Instruction in farm mechanics may not exceed twenty-five percent of the classroom time.

#### **34.23 Classroom instruction (off farm).**

**34.23 (1)** The minimum requirement of organized classroom instruction is two hundred hours per year, fifty hours per quarter and eight hours per month. It is recommended that schools offer more than two hundred hours of class instruction each year.

**34.23 (2)** The instruction is to be well planned in accordance with the course of study.

**34.23 (3)** Classes may be held during the day or evening. It is recommended that one-half of the instruction be given between 8:00 a.m. and 6:00 p.m.

**34.23 (4)** A maximum of four hours of class instruction may be given in any one day.

**34.23 (5)** Classes must assemble promptly at the scheduled time and continue in session according to the plan to fulfill the time requirements.

**34.23 (6)** Classes must meet in the public school building or other approved facilities, except for field trips.

**34.23 (7)** Field trips may not be classified as classroom instruction but must be in addition to the minimum requirements for classroom (and individual on-farm) instruction. [Filed October 30, 1952]

#### **34.24 Individual on-farm instruction (and small group).**

**34.24 (1)** For farm operators, the minimum requirements of on-farm instruction is one hundred hours per year, twenty-five hours per quarter and two instructional visits to each trainee's farm per month. No more than fifty percent of such instruction may be group instruction with three to five trainees on neighboring farms.

**34.23 (2)** For farm laborers, the minimum requirement of on-farm instruction is fifty hours per year, twelve and one-half hours per quarter and one instructional visit to each trainee's farm per month. No group instruction is permitted.

**34.24 (3)** An individual training outline is to be developed with each trainee each year. This is to include the practices, farm improvements and skills which the trainee is to put into practice during the year.

**34.24 (4)** Group instruction must be given on a neighboring farm providing desirable facilities for instruction. It must be planned and correlated with classroom instruction. The trainees must actively participate in and actually perform jobs and skills.

**34.24 (5)** All individual on-farm instruction must be planned and conducted by the regular instructor.

**34.25 Record of instruction.**

**34.25 (1)** Both classroom and individual on-farm hours of instruction must be recorded daily and kept up-to-date by the instructor.

**34.25 (2)** The instructor must keep on file at the school an outline of the problems and information taught in the classroom and on individual on-farm visitations.

**34.25 (3)** A summary of classroom and individual on-farm hours of instruction must be submitted with requests for reimbursement.

**34.25 (4)** For individual on-farm instruction, a statement signed by the trainees showing dates and hours of instruction received, must be attached to requests for reimbursement.

**34.26 Instructor's itinerary.**

Each instructor must leave on file at the school, his itinerary for the coming week.

**34.27 Size of classes.**

Schools shall maintain classes with the following minimum and maximum enrollments:

**34.27 (1)** With four or more classes, a minimum enrollment of eighteen trainees and a maximum of not more than twenty-five trainees in each class.

**34.27 (2)** With three classes, a minimum of seventeen trainees and a maximum of twenty-five trainees in each class.

**34.27 (3)** With two classes, a minimum of fourteen trainees and a maximum of twenty-five trainees in each class.

**34.27 (4)** With one final class, a minimum enrollment that does not result in a total cost in excess of \$41.66 per trainee per calendar month and a maximum enrollment of twenty-seven trainees for no more than three months (including state costs).

**34.28 Attendance.**

**34.28 (1)** The school is required to maintain complete and accurate records of attend-

ance with such records to be kept on file for at least three years.

**34.28 (2)** Any failure to attend either scheduled classroom instruction or an on-farm visit will be classified and recorded as an absence, irrespective of whether or not the absence was authorized or unauthorized, made up or not made up.

a. All absences will be recorded and classified as authorized or unauthorized.

b. Every absence will be covered by a written excuse signed by the veteran.

c. Absences not covered by a written excuse will be automatically recorded as unauthorized.

d. A student late four times in any one quarter will be charged with one full absence.

**34.29 Excused absence.** Absences will be classified as authorized for the following reasons only:

**34.29 (1)** Illness of the trainee which makes it inadvisable for him to attend.

**34.29 (2)** Critical illness or death in the immediate family.

**34.29 (3)** Floods, storms and emergencies over which the trainee has no control.

**34.29 (4)** Any order from a public agency legally requiring the absence of the trainee.

**34.30 Make-up work.** Make-up work must be on the work missed and require at least as much time as was missed.

No allowance will be made to the school for make-up of instruction not furnished in the current quarter, except where an illness consistent with the school's policy on sick leave or an act of God emergency prevents compliance with the quarterly requirements. Any surpluses of instruction accumulated in one quarter will not serve to reduce the hours of compliance necessary in a succeeding quarter or quarters. If an instructor fails to meet the minimum requirements for any quarter for either classroom or individual on-farm instruction, a proportionate reduction in the amount claimed for his services will be effected.

**34.31 General limitations.**

**34.31 (1)** The veteran is entitled to a maximum of thirty days leave per year.

**34.31 (2)** The charging of leave will be computed as follows:

a. One hour of approved absence from individual on-farm instruction equals one and one-half days of accrued leave.

b. One hour of approved absence from classroom instruction equals one and one-half days of accrued leave.

c. One day of approved absence from work on the farm equals one day of accrued leave.

d. Any absence approved in excess of thirty days per year and all nonapproved absences will effect a reduction in subsistence.

**34.32 Report to state board.** The school must report promptly to the state board for vocational education:

**34.32 (1)** Extended absences of over fourteen calendar days duration, either approved or disapproved, so that the trainee can be interrupted as of the last date instruction was received either in the classroom or on the farm.

**34.32 (2)** Any unauthorized absence from classroom or individual on-farm instruction.

**34.32 (3)** Any failure to receive the minimum yearly requirement in classroom and individual on-farm instruction.

**34.32 (4)** Whenever the farming operation and the training program do not occupy the full time of the veteran.

**34.32 (5)** Whenever progress of a trainee is unsatisfactory. [Filed October 22, 1952]

**34.33 Liability of school.** Public Law 610, 81st Congress, provides that in any case where an overpayment of subsistence allowance has been made to a veteran and has not been recovered or waived and is the result of willful or negligent failure of the school to report unauthorized absences, from a course or discontinuance or interruption of a course by a veteran, the amount of such overpayment shall constitute a liability of the school and may be recovered from the school.

**34.34 Certificate.** A certificate of training will be given by the school to the trainee upon completion of the course.

**34.35 Reports required.**

Submit all reports to the state board for vocational education except as indicated.

**34.35 (1) Starting a program.**

(Submit before starting a program.)

Form No.	Title	No. Copies	Submit To
IOFT-F-7	Facilities .....	1	
IOFT-F-2	Qualifications of Instructor .....	1	
IOFT-F-8	Course of Study .....	1	

**34.35 (2) Enrolling new trainees.**

(Due by the tenth of the month.)

Form No.	Title	No. Copies	Submit To
V.A. 7-1950	Application for Course of Education or Training..	1	Vets. Adm.
V.A. 7-1953	Certificate of Eligibility and Entitlement .....	1	
V.A. 7-1921	Application for Course of On-Farm Training ....	2	
IOFT-F-4	Farm Plan .....	1	
IOFT-F-5	Farm Inventory .....	1	
V.A. 8-686C	Declaration as to Marital Status .....	1	
V.A. 7-1905	Authorization and Notice of Entrance to Training (P.L. 16) .....	1	
V.A. 8-509	Affidavit of Dependency .....	1	

**34.35 (3) Interruption from training.**

(Form IOFT—due within 24 hours after interruption.

Form V.A. 7-1922 due within two weeks after interruption.)

Form No.	Title	No. Copies	Submit To
Letter	Interruption from Training .....	1	
V.A. 7-1922	Report of Income .....	1	
SP 7-108	Financial Statement for Veteran Trainer .....	1	
SP 7-108a	Summary of Monthly Income .....	1	

**34.35 (4) Change of facilities or plan of training.**

(Due when changing farms and from farm employee to farm operator.)

Form No.	Title	No. Copies	Submit To
IOFT-F-14	Notice of Change in Type of Training .....	1	
V.A. 7-1921	Application for Course of Institutional On-Farm Training .....	2	
IOFT-F4	Farm Plan and Training Program .....	1	
IOFT-F5	Farm Inventory .....	1	
V.A. 4-572	Change of Address .....	2	



**34.35 (5) Transfer.**

(Due at time of transfer—transfers to be made on the first day of the month.)

Form No.	Title	No. Copies	Submit To
Letter	Interruption from Training .....	1	
V.A. 7-1909	Certification of Re-entrance into Training .....	1	
V.A. 7-1905	Authorization and Notice of Entrance into Training (P.L. 16)		

If trainee's facilities have changed. See section 34.46.

**34.35 (6) Re-entrance into training.**

Form No.	Title	No. Copies	Submit To
Letter	Letter from last school attended .....		
V.A. 7-1921	Application for Course of Institutional On-Farm Training .....	2	School to Attend
V.A. 7-1909	Certification on Re-entrance into Training .....	1	
V.A. 7-1905	Authorization and Notice of Entrance into Training (P.L. 16)		

If trainee's facilities have changed. See section 34.46.

**34.35 (7) Weekly reports.**

Form No.	Title	No. Copies	Submit To
	Itinerary for following week .....	1	Supt. or Voc. Agr. Instr.

**34.35 (8) Monthly reports.**

(Due the fifth of each month.)

Form No.	Title	No. Copies	Submit To
IOFT-F-9	Monthly Report .....	1	

**34.35 (9) Quarterly reports.**

(Due by the tenth of the month.)

Form No.	Title	No. Copies	Submit To
IOFT-F-10	Request for Reimbursement .....	1	
IOFT-F-11	Reimbursable travel and On-Farm Instruction...	1	
IOFT-F-12	Instruction Time .....	1	
IOFT-F-13	Book and supplies Voucher .....	1	

**34.35 (10) Annual reports.**

Form No.	Title	No. Copies	Submit To
V.A. 7-1922	Report of Income .....	1	
SP 7-108	Financial Statement for Veteran Trainee (Farm Operator) .....	1	
SP 7-108A	Summary of Monthly Income .....	1	
	(Farm Employee) .....	1	
	(Practices adopted) (Trainees) .....	1	
	(Annual Report) (Instructors) .....	1	
	(Change in instructor's salary) .....	1	

**34.36 Individual records.** The school is to maintain an up-to-date folder for each trainee, these records to be available to representatives of the state board for vocational education.

**34.37 Trainee's folder.** The following materials are to be kept in each trainee's folder:

**34.37 (1)** Copy of farm lease with evidence of filing for public record.

**34.37 (2)** The Farm Plan.

**34.37 (3)** Individual Training Program.

**34.37 (4)** V.A. Form 7-1907-c-1, Authorization of Subsistence Allowance.

**34.37 (5)** Farm Inventory.

**34.37 (6)** Signed Statement of Items Issued.

**34.37 (7)** Report of Income V.A. Form 7-1922.

**34.37 (8)** Record of Interruption or Discontinuance.

**34.37 (9)** Record of Progress.

**34.37 (10)** Record of Individual On-Farm Training.

**34.38 Starting date.** Eligible veterans must commence training before July 25, 1951, or

within four years from discharge or separation, whichever is later, except for enlistment under the Voluntary Recruitment Act.

**34.39 Completion date.** Training must be completed before July 25, 1956, except for enlistments under the Voluntary Recruitment Act.

**34.40 Exceptions.** An exception is made for veterans who enlisted or re-enlisted under the Voluntary Recruitment Act, who may commence training up to four years from the date of their enlistment and must complete training nine years from the same date.

**34.41 Terminal date.** Trainees must be enrolled in and pursuing training on July 24, 1951 and may continue in training if they meet the requirements under P.L. 377.

**34.42 Application.** The V.A. Form 7-1950, Application for course of education of training must be completed by the veteran and forwarded with a certified or original size photostatic copy of his discharge direct to the veterans administration center, Des Moines, at least thirty days before the anticipated date of entry into training.

**34.43 Eligibility certificate.** Two copies of V.A. Form 7-1953, certificate of eligibility and entitlement will be issued by the veterans administration and sent directly to the veteran when his eligibility is determined. Both copies should be presented to the school, one copy will be retained in the school files and the original copy indorsed and forwarded to the state board for vocational education. (See section 34.46)

**34.44 Supplemental certificate.** For the veteran who has previously been in training at another institution either under P.L. 346 or P.L. 16, a supplemental certificate is required. V.A. Form 7-1905e must be completed by the veteran and used in place of V.A. Form 7-1950.

**34.45 Enrollment prerequisite.** A school should in no case enroll a P.L. 346 veteran in training until he has presented to the school a valid certificate of eligibility and entitlement for the designated course in that school.

**34.46 P.L. 346 enrollment procedure.**

**34.46 (1)** The school is responsible for determining whether or not the veteran needs training and has a training situation. (See training requirements.)

**34.46 (2)** The trainee should secure a certificate of eligibility and entitlement or a supplemental certificate.

**34.46 (3)** The school should send to the state board for vocational education the following:

*a.* Original copy of V.A. Form 7-1953, certificate of eligibility and entitlement. (Retain duplicate in school files.)

*b.* Two copies of V.A. Form 7-1921, Application for course of institutional on-farm training.

*c.* One copy of farm inventory. (If operator.)

*d.* One copy of farm plan.

*e.* One copy of lease, as filed for record.

*f.* Attach a certified copy of public record of marriage.

*g.* Attach certified copy of birth certificate of child, showing names of the parents on public record.

*h.* Complete and attach V.A. Form 8-686c, declaration as to marital status and proof of dissolution of prior marriage or marriages, if any.

*i.* If dependents other than spouse or children are claimed, V.A. Form 8-509 (affidavit of dependency) should be completed and submitted with enrollment papers.

**34.46 (4)** When the veteran's application and related forms are received by the state board for vocational education, it will be reviewed and if approved, certified and forwarded to the veterans administration. The V.A. Authorization will be made on V.A. Form 7-1907c-1, a copy of which will be forwarded to the veteran and two copies to the state board for vocational education, one of which will be sent to the school. This form will indicate the date training began, the length of entitlement time and the subsistence allowance payable.

**34.46 (5)** For the veteran changing course or re-entering training, from another institution, the veteran should secure a supplemental certificate. Form V.A. 7-1953 with the related material (see C above) is to be sent to the state board for vocational education.

**34.46 (6)** For the veterans re-entering training in the same institution, a supplemental certificate is not required. Form V.A. 7-1921 with related materials (See C-2, 3 and 5 above) and "Supplement for Extension of Course" is to be sent to the state board for vocational education.

**34.46 (7)** Any veterans enrolled for institutional on-farm training as farm employees who have completed twelve months will be terminated except any veteran who meets the following criteria:

*a.* Prior to the conclusion of his twelve calendar months of enrollment the veteran must submit evidence of operation control of a farm facility, with such control effective within twenty-four calendar months from date of his initial enrollment.

*b.* Prior to the continuation of any veteran classified as a farm employee beyond twelve calendar months from date of initial enrollment, the school must survey the proposed farm facility for which the veteran will assume operational control, to determine the adequacy of the facility in meeting the regulations of P.L. 377.

*c.* Reclassify the training status of the veteran immediately upon his assumption of

operational control of a farm facility. [Filed October 22, 1952]

#### **34.47 Interruption in training.**

**34.47 (1)** If a veteran interrupts his training, he should notify the school. The school will immediately (within twenty-four hours) notify by letter, the state board for vocational education, giving the date and reason for interruption.

**34.47 (2)** If the training of a veteran is interrupted by the school, the school will notify the state board for vocational education. In addition, the school and the veteran should complete two copies of V.A. Form 7-1922 with supporting evidence on S.P. 7-108 for self-employed and on S.P. 7-108a for farm employees. For all self-employed trainees, the earnings are to be projected and determined for the year, regardless of the date of interruption. For trainees who received a definite monthly wage, the supporting evidence should include, by months from January 1 to the date of interruption, a listing of cash earnings and the value of their indirect allowances furnished.

**34.47 (3)** The state board will complete their records and forward one copy of V.A. Form 7-1908 and Form 7-1922 to the veterans administration who will take the necessary action and notify the veteran of the effective date that his subsistence was discontinued.

**34.47 (4)** If the veterans administration interrupts or discontinues a veteran's training, the state board for vocational education, the school and the veteran will be notified.

#### **34.48 Report of earnings.**

**34.48 (1)** Each veteran enrolled in institutional on-farm training is required to complete V.A. Form 7-1922, report of earnings, with supporting evidence to show true earnings for the past year.

**34.48 (2)** The report must be completed on or before February 1 of the following year, and forwarded to the state board for vocational education. If necessary, the veterans administration will adjust the veteran's subsistence allowance.

**34.48 (3)** If a trainee interrupts his training during the year, a report of earnings must be filed. The veteran must complete V.A. Form 7-1922 with supporting evidence on V.A. Form 7-108 or 7-108a.

**34.48 (4)** The report of earnings will be determined from the records maintained by the trainee and certified by the trainee and the local school as being, to the best of their knowledge and belief, a true and correct statement in support of the veteran's claim for subsistence allowance.

**34.48 (5)** Failure of veterans to submit reports of income and supporting evidence may result in the withholding of all benefits under the Servicemen's Readjustment Act by the veterans administration until the report is received.

#### **34.49 Disabled veterans.**

**34.49 (1)** Veterans of World War II receiving ten percent or more disability compensation for service-connected disabilities may be eligible for education or training under Public Law 16.

**34.49 (2)** The veteran submits an application on V.A. Form 7-1900 to the regional office of the veterans administration. After advisement, vocational counseling and the selection of a training objective, he is inducted into training by a representative of the veterans administration.

**34.49 (3)** The training officer with the cooperation of the veteran and his instructor prepares a complete training program for the veteran.

**34.49 (4)** The training officer continues to supervise the training during the length of the course, and advises the veteran administration regional office of the veterans entry into training and any changes in his program which may affect rates of subsistence or completion dates.

**34.49 (5)** For purposes of paying training costs, the state board for vocational education is advised by the regional office of any action taken from the time of entry to the time of rehabilitation so that the board's records may be kept up-to-date. Vouchers covering training costs for these veterans under Public Law 16 will be handled through the state board for vocational education.

**34.49 (6)** Notices of enrollment, interruption, discontinuance, completion, etc., will be sent direct to the veteran on Form 7-1923 and two copies of this form will be sent to the state board for vocational education, one for its record and the other for transmittal to the school.

**34.49 (7)** The veterans administration is desirous of having the co-operation of the schools in the enrolling of Public Law 16 veterans, giving them some measure of priority over Public Law 346 veterans who have no disabilities.

**34.49 (8)** While the training officer exercises rather close supervision over Public Law 16 veterans, it will still be the responsibility of the school to notify the state board for vocational education immediately in case of any unforeseen interruptions or discontinuances so that overpayments of subsistence allowance may be avoided.

#### **34.50 Subsistence allowance.**

**34.50 (1)** The veterans administration is responsible for determining the entitlement of veterans for training and the amount of the subsistence allowance while in training.

**34.50 (2)** Maximum monthly allowances for veterans (1) with no dependents from \$65.00 to \$67.50, (2) with one dependent from \$90.00 to \$93.75, and (3) with more than one dependent from \$90.00 to \$97.50.

**34.50 (3)** Veterans may qualify for maximum monthly subsistence allowances when their income from productive labor and subsistence for those (1) with no dependents does not exceed \$210.00 a month and (2) with one dependent does not exceed \$270.00 a month and (3) with more than one dependent \$290.00 a month.

**34.50 (4)** For self-employed veterans, income from productive labor on a calendar year basis will be determined from the farm and home accounts developed as a part of the course.

**34.50 (5)** For farm employees, income from productive labor will include all wages paid the employee both cash and in kind, including allowances for food, fuel, shelter for self and family.

**34.50 (6)** Reduction of subsistence will be made by the veterans administration on the basis of one and one-half days for each hour of instruction missed.

**34.51 Dependents' allowance.** A veteran with dependents must submit documentary proof of dependency. If a veteran claims dependents on his original application, he has one year to furnish proof.

**34.51 (1) Wife.**

a. Certified copy of the public record of marriage.

b. Completed V.A. Form 8-686c.

c. Proof of the dissolution of previous marriage in the event either the veteran or his wife was previously married. (Certified copy of public record of divorce or death)

**34.51 (2) Child.**

a. Proof of marriage of parents as indicated in 1 "a".

b. Certified copy of the public record of the child's birth. (Certificate must show both parents' names)

**34.51 (3) Dependent parent.**

a. Completed V.A. Form 8-509.

b. Certified copy of the public record of the veteran's birth. (Certificate must show both parents' names)

Evidence supporting a claim for additional subsistence allowance by reason of a change of relationship or dependency should be submitted promptly to the state board for vocational education. The effective date of increase in subsistence allowance may not be prior to the date satisfactory evidence of such relationship or dependency is received in the veterans administration office. All changes in dependency status should be reported promptly.

**34.52 Contracts.**

**34.52 (1)** Contracts to conduct institutional on-farm training will be made with public schools in the state by the state board for vocational education. These contracts will provide for payment of costs for institutional on-farm training in accordance with the pro-

visions of Public Law 377, 80th Congress, for all authorized costs which are determined to be fair and reasonable.

**34.52 (2)** The effective date of contracts will be July 1, 1950, for schools operating programs as of that date and a later date for schools starting programs subsequent to July 1, 1950.

**34.53 Allowable program costs.**

**34.53 (1) Salary of instructors.**

a. The salary of the instructor, including withholding tax and deductions for Iowa old-age and survivors insurance.

b. Reimbursement will be made on the basis of the approved salary. Schools are expected to employ qualified instructors at salaries commensurate with those paid to persons in similar work with similar qualifications in their community or area.

c. Payment to special instructors may be made; to those persons with prior approval by the state board for vocational education; at a fair and reasonable rate of pay; for not more than five percent of the yearly classroom hours of instruction; and for the purpose of providing special or technical instruction. Any specialist whose salary is paid by the federal government for such services is not entitled to additional payment for such instruction.

**34.53 (2) Travel of instructors.**

a. Mileage may be paid to instructors only at the rate paid to other school employees but not to exceed seven cents per mile.

b. Reimbursable travel is limited to travel from the school, or the instructor's residence, whichever is nearer, and the residences of trainees for individual on-farm (and small group) instruction.

c. Requests for reimbursement must be accompanied by a report showing the trainees visited, the miles traveled, and bearing the signature of the trainees.

d. Nonreimbursable travel includes administrative mileage, trips to demonstrations, fairs and other events, trips of a professional nature, trips to secure instructional materials and travel of the instructor from his place of residence to the school.

**34.53 (3) School building and equipment costs.**

Costs for heat, light, janitor service, use of building and depreciation of school equipment may be charged at a cost of \$1.25 per month per veteran without interrogation or justification.

**34.53 (4) Administration and supervision.**

a. An amount of five percent, less state supervision costs, is allowable to the school for administration and supervision of institutional on-farm training based on the total costs of instructors' salaries, travel of instructors, school building and equipment costs and consumable classroom instructional supplies.

b. Expenditures may be made for clerical and stenographic service, supervision by a

qualified person, office supplies, telephone toll charges, postage and other necessary costs.

c. It is expected that expenditures will be made in accord with accepted administrative procedure and by authorization of the board of education. [Filed October 22, 1952]

**34.53 (5) Books and other instructional materials which become the property of the veteran.**

a. A maximum of twenty dollars per trainee per year is available to pay costs of books and instructional materials.

b. The school may purchase only those books which are on the standard list of the school and have been approved. The books must be those in which lessons are assigned as a part of the classroom instruction offered.

c. Costs of reference books, of farm magazines, and of equipment and supplies for the use of either the instructor or the veteran are not reimbursable.

d. One farm and home account book may be purchased for each veteran provided that it is used for instructional purposes.

e. Books must be purchased from the publisher and advantage taken of any educational discounts, or purchased on the basis of bids by three or more jobbers.

**34.53 (6) Consumable classroom instructional supplies:**

Actual costs are allowable for teaching supplies and materials which are consumed or made worthless in the process of instruction, and from which no benefit accrues to either the veteran or the institution.

Allowable supplies include the following:

a. Milk testing, soil testing and other supplies of a similar nature.

b. Bulletins and pamphlets for which a nominal charge is made.

c. Paper and pencils distributed to class members and used in the class.

d. Chalk.

e. Supplies required in the preparation of lesson plans such as mimeograph paper, stencils and duplicating supplies.

f. Shop supplies used in instruction for which no benefit accrues to the veteran or the institution on such as welding rod, solder, acetylene gas, etc.

g. Drill bits, files and band saw blades broken during class instruction.

h. Rental of films, insurance and postage therefor.

Nonallowable supplies include the following:

a. Any supplies which benefit an individual veteran or the instructor.

b. Any supplies used in on-farm instruction.

c. Typing or other similar services in the preparation of teaching plans and materials.

d. Any shop supplies used up or broken outside of classroom instruction.

e. Purchase of film, film strips, slides or films.

f. Administrative supplies, stationery, telephone, class record books.

g. Repair or depreciation of equipment such as projector, power tools and office equipment.

h. Instructor's reference books and supplies.

**34.54 Reimbursing schools.**

Requests for reimbursement:

**34.54 (1)** Quarterly payments will be made to the school by the state board for vocational education for all allowable costs of the training program.

**34.54 (2)** If necessary, monthly payments will be made to the school by the state board for vocational education for the salary and travel of instructors.

**34.54 (3)** Requisitions should be submitted by the 10th of the following month at the close of each quarter such as October 10, January 10, April 10, and July 10.

**34.55 Records to be submitted.**

**34.55 (1) Requisition for reimbursement IOFT-F-10.**

a. List all costs as indicated.

b. Must be notarized.

c. Submit one copy and retain a duplicate in the school file.

**34.55 (2) Instruction time IOFT-F-12.**

a. Attach one copy and retain duplicate in school file.

**34.55 (3) Reimbursable travel and on-farm instruction IOFT-F-11.**

a. Attach one copy and retain a duplicate in school file.

**34.55 (4) Book vouchers, IOFT-F-13.**

a. Attach one copy and retain a duplicate in school file.

**34.55 (5) Statement of consumable classroom supplies.**

a. The itemized statement must be signed by a school official.

b. Attach one copy and retain one copy in school file.

**34.55 (6) Invoice for books.**

a. Attach original invoice for books.

**34.56 Audits.**

**34.56 (1)** Scheduled audits of records maintained by each school will be made by representatives of the state board for vocational education.

**34.56 (2)** Periodic spot checks of supporting records may be made by representatives of the veterans administration.

**34.57 Surplus and deficit.**

**34.57 (1)** Any surplus or deficit amount incurred by schools in institutional on-farm training through June 30, 1950, will be computed by the veterans administration by December 31, 1950.

**34.57 (2)** For schools continuing to conduct institutional on-farm training after June 30, 1950, consideration will be given to any uncollected surpluses and accumulated deficits existing.

**34.57 (3)** For schools not conducting institutional on-farm training on or subsequent to July 1, 1950, no liability exists with the state board for vocational education.

**TITLE XV  
VOCATIONAL EDUCATION—REHABILITATION**

**CHAPTER 35  
REHABILITATION DIVISION**

**DIVISION I  
AGENCY FOR ADMINISTRATION**

- 35.1 Designation of state board.
- 35.2 Vocational rehabilitation of the blind.
- 35.3 Responsibility of the state board.
- 35.4 Plan materials and reports.
- 35.5 Plan materials and reports — agency for the blind.
- 35.6 Legal basis.

**DIVISION II  
ELIGIBILITY**

- 35.7 Responsibility for determination.
- 35.8 Residence.
- 35.9 Criteria of eligibility for vocational rehabilitation.
- 35.10 Criteria of eligibility for specific services.
- 35.11 Nondiscrimination.
- 35.12 Classes of individuals to be rehabilitated.
- 35.13 War-disabled civilians and civil employees of the United States.
- 35.14 Hearings on applicants' appeals.

**DIVISION III  
CASE FINDING**

- 35.15 Finding and intake.
- 35.16 Working arrangements with other agencies.

**DIVISION IV  
CASE DIAGNOSIS**

- 35.17 Scope of diagnosis.
- 35.18 Basis of diagnosis.
- 35.19 Medical diagnosis.
- 35.20 Vocational diagnosis.

**DIVISION V  
RECORDING OF CASE DATA**

- 35.21 Division files.

**DIVISION VI  
CONFIDENTIAL INFORMATION**

- 35.22 Rules and regulations.
- 35.23 Use and exchange of information.

**DIVISION VII  
REHABILITATION PLAN FOR THE INDIVIDUAL**

- 35.24 Formulation of the plan.
- 35.25 Content of plan.
- 35.26 Client's participation and approval.
- 35.27 Conditions for undertaking the individual plan.
- 35.28 Trainee co-operation.

**DIVISION VIII  
SERVICES**

- 35.29 Scope of services.
- 35.30 Counseling and guidance.
- 35.31 Placement.
- 35.32 Working arrangements.

**DIVISION IX  
FACILITIES**

- 35.33 Types of facilities.
- 35.34 General standards.
- 35.35 Standards for hospitals.

- 35.36 Standards for persons providing physical restoration services.
- 35.37 Standards for facilities providing specialized training or other services.

**DIVISION X  
ECONOMIC NEED**

- 35.38 Establishment of need.
- 35.39 Standards for determining amount of supplementation.
- 35.40 Resources of client.
- 35.41 Rules respecting capital assets.

**DIVISION XI  
PERSONNEL ADMINISTRATION**

- 35.42 Methods and policies of selection and appointment.
- 35.43 Separation of permanent employees.
- 35.44 Participation in political activity.
- 35.45 Personnel qualifications.
- 35.46 Vacations and leaves for illness and military service.

**DIVISION XII  
ADMINISTRATIVE ORGANIZATION  
(Internal Operations)**

**DIVISION XIII  
FISCAL ADMINISTRATION (Internal Operations)**

**DIVISION XIV  
MAXIMUM FEES FOR SERVICES**

- 35.47 Training.
- 35.48 Physical restoration services (other than hospitalization and prosthetic devices) and medical examinations.
- 35.49 Hospitalization.
- 35.50 Prosthetic devices.
- 35.51 Travel.

**DIVISION XV  
COMPENSATION SCHEDULE (Internal Operations)**

**DIVISION XVI  
REIMBURSEMENT FROM FEDERAL FUNDS  
(Internal Operations)**

**DIVISION XVII  
SUBMISSIONS OF REPORTS (Internal Operations)**

**Division I  
AGENCY FOR ADMINISTRATION**

**35.1 Designation of state board.** The state board for vocational education is designated as the sole agency for the administration, supervision and control of the state plan except as indicated in section 35.2.

**35.2 Vocational rehabilitation of the blind.** The commission for the blind is authorized by state law to rehabilitate the blind.

The following definition of blindness observed by the department of public welfare in determining eligibility for blind assistance is the basis for allocating cases between the two agencies:

"An individual approved for blind assistance shall be one who has no vision, not more than 20/200 central visual acuity in the better eye with correcting glasses, or a field defect, in

which the peripheral field has contracted to such an extent that the widest diameter of visual field subtends at an angular distance of no greater than twenty degrees."

**35.3 Responsibility of the state board.** The state board assumes responsibility for the statistical and financial reports containing estimates of expenditures, accounting for federal funds and the furnishing of other information to meet federal requirements found necessary by the federal director.

**35.4 Plan materials and reports.** *a.* The superintendent of public instruction as chairman and executive officer of the state board may act for the board in approving plan material that does not involve a major change in policies.

*b.* The plan and all amendments thereto shall be transmitted to the federal director by the state director of the rehabilitation division with a statement over the signature of the executive officer indicating the effective date and the fulfillment of any conditions necessary to its operation. Plan materials relating to the rehabilitation of the blind will also indicate the date of adoption by the commission for the blind.

**35.5 Plan materials and reports—agency for the blind.** *a.* Plan materials and reports of the commission for the blind will be submitted to the federal director through the state board according to special agreement.

*b.* An agreement exists between the state board and the commission for the blind which provides that plan materials and reports transmitted to the federal office by the commission will be of the same effect as though transmitted by the state board if: (1) Copies of such plan materials and reports are simultaneously furnished to the state board; (2) such plan materials and reports indicate that copies have been furnished to the state board; (3) within a specified period after the transmission of such materials the executive officer of the state board has not advised the federal director that for any reason the state board does not concur in such material.

**35.6 Legal basis.** Certified copies of all laws, including current appropriation laws, pertaining to the administration of the division of vocational rehabilitation are included as attachments to this plan.

## Division II

### ELIGIBILITY

**35.7 Responsibility for determination.** The division of vocational rehabilitation assumes responsibility for determination of individuals for vocational rehabilitation, and of the nature and scope of vocational rehabilitation services to be provided such individuals; and such responsibility will not be delegated to any other agency or individual not on the staff of the division.

**35.8 Residence.** Six months of residence is required to establish eligibility for rehabilitation services; however, applicants who have resided in the state for less than six months may be accepted for service upon submission of satisfactory evidence of intention to remain as permanent residents. If applicant is a former resident of another state, a summary of that state's case record will be sought as a part of investigative procedure.

**35.9 Criteria of eligibility for vocational rehabilitation.** Eligibility for vocational rehabilitation will be determined upon the basis of two established criteria: (1) The existence of a physical or mental disability; and (2) a substantial employment handicap resulting from such disability.

**35.10 Criteria of eligibility for specific services.** *a.* The following criteria are established for determination of eligibility of clients for the following services:

#### 35.10 (1) *Physical restoration.*

*a.* The service is necessary for the individual's satisfactory occupational adjustment.

*b.* The condition causing disability is relatively stable or slowly progressive.

*c.* The condition is of such a nature that treatment may be expected to remove, arrest or substantially reduce the handicap within a reasonable length of time.

*d.* The prognosis for life and employability are favorable.

#### 35.10 (2) *Training and training materials.*

*a.* The training and books and supplies are necessary for the individual's satisfactory occupational adjustment.

*b.* The individual has the mental and physical capacity to acquire a skill that he can perform in an occupation commensurate with his abilities and limitations.

#### 35.10 (3) *Transportation, occupational licenses and occupational tools and equipment.*

*a.* An individual may be provided transportation in connection with securing medical or psychological examinations, physical restoration, training or placement and a companion may be transported at rehabilitation expense if the disabled individual cannot travel alone.

*b.* An individual is eligible for occupational licenses and customary occupational tools and equipment when such services are necessary for entrance into, and successful performance in, a selected occupation.

#### 35.10 (4) *Maintenance.*

A client is eligible for maintenance when it is necessary to his vocational rehabilitation.

Financial need must be established prior to provision of certain services at rehabilitation expense. Individuals are eligible for physical restoration, occupational licenses, customary occupational tools and equipment, training materials, maintenance and transportation (except transportation for diagnosis, guidance

or placement) only on the basis of financial need and when such services are not otherwise immediately available. Federal reimbursement for these services will be requested only for disabled individuals found to require financial assistance with respect thereto.

**35.11 Nondiscrimination.** The division observes the principle that sex, race or color do not justify inequality in the determination of eligibility and in the provision of necessary rehabilitation service.

**35.12 Classes of individuals to be rehabilitated.** The division makes rehabilitation services available only to such classes of disabled individuals who through rehabilitation services may be made employable, or more suitably employable; and individuals who are severely disabled or homebound are not excluded.

**35.13 War-disabled civilians and civil employees of the United States.** The division accepts for vocational rehabilitation under the state plan any individual certified by the federal director as a war-disabled civilian or a civilian employee of the United States disabled in the performance of his duty, who is a resident of the state or who chooses the state as and for his residence.

All necessary rehabilitation services, other than maintenance will be made available to persons so certified irrespective of the individual's financial need.

**35.14 Hearings on applicants' appeals.** Disabled persons may appeal from the decision of any counselor to a district case board (supervisor and two other counselors). Appeals from the decision of a district case board will be heard by the state case board (director and two supervisors), or in instances where the district case board cannot properly function the case may be heard originally by the state case board. In making his appeal to the state case board the client is required to set forth his contentions in writing and submit them to the state director at least ten days prior to the date of the hearing. The individual may be accorded an appeal from the state case board to the state board for vocational education if the state director and the executive officer of the board agree that the problem merits further review. Notification of the right to appeal is verbal in the first instance; in the second instance the written decision of the district case board will include notification of the right to appeal to the state case board.

#### Division III CASE FINDING

**35.15 Finding and intake.** The organized program of case finding now in effect at both the local and state level will be maintained and improvements will continuously be sought. Counselors share the responsibility for developing referral arrangements with local co-operators and accepting referrals in the field for prompt handling. All new cases whether referred to a local worker or to the state office are checked against a master index

for previous information and are acknowledged promptly by letter or a personal call. Public information directed to all known sources of referrals as well as to the general public seeks to localize all disabled individuals of employable age who may be eligible, interpret rehabilitation to them and ascertain whether or not they are interested in or in need of the services offered.

**35.16 Working arrangements with other agencies.** In order to facilitate the over-all case finding program the division establishes wherever possible working relationships with public and private agencies in areas of health, welfare, compensation, education, employment and other related services.

#### Division IV CASE DIAGNOSIS

**35.17 Scope of diagnosis.** The case diagnosis constitutes a comprehensive study of the client, including medical as well as a vocational diagnosis of the individual.

**35.18 Basis of diagnosis.** The case diagnosis in each case is based on pertinent information, including the individual's health and physical status, intelligence, educational background and achievements, vocational aptitudes and interests, employment experience and opportunities, and personal and social adjustments.

**35.19 Medical diagnosis.** *a.* As a basis for determination of eligibility and formulation of the individual's rehabilitation plan the division secures competent medical diagnosis and provides every case with the opportunity for a general medical examination. Where reasonably necessary to a decision in doubtful cases, the diagnosis is, if at all practicable, secured from recognized specialists in specific fields indicated by the general medical diagnosis.

Whenever possible the diagnosis is accompanied by recommendations as to the means and methods of restoration and by a statement of any physical or mental limitations that may exist.

*b.* The division accepts a medical report in lieu of securing a new examination when such report is from a reliable source and can be relied upon to provide a sound basis for diagnosis of the physical or mental condition of the individual.

*c.* Minimum procedures routinely required in the general medical diagnosis are a determination of the physical and mental abilities and limitations of the individual including blood serologic tests, urinalysis and other necessary laboratory tests.

*d.* Hospitalization for diagnostic purposes is provided by the division upon proper medical recommendation and upon approval of the medical consultant or supervisor. Normally such hospitalization is not for more than three days and in no case does it exceed ten days.

**35.20 Vocational diagnosis.** The methods of the vocational diagnosis include (1) counsel-



ing interviews with the client; (2) such reports as may be needed, including when necessary in the individual case, reports from schools, employers, social agencies, and others; (3) psychological information substantiating the determination of eligibility where such eligibility is based on the existence of mental retardation; and (4) exploratory services, services provided by workshops or centers, and short try out courses.

#### Division V

##### RECORDING CASE DATA

**35.21 Division files.** The division maintains a record for each case which includes pertinent case information including as a minimum, the basis for determination of eligibility, the basis justifying the plan of services and the reason for closing each case together with a justification of the closure. Records and case files may be destroyed when deemed obsolete by the director but in no instance shall such records be destroyed until five years after both state and federal audits have been completed and satisfactory adjustments made. A summary card showing pertinent facts will be retained on all case files retired in this manner.

#### Division VI

##### CONFIDENTIAL INFORMATION

**35.22 Rules and regulations.** The division maintains in effect such rules and regulations as are necessary to assure that all information as to personal facts and circumstances of clients given or made available to the division, its representatives, or employees in the course of administration of the vocational rehabilitation program, including lists of names and addresses and records of evaluation, will be held to be confidential.

**35.23 Use and exchange of information.** *a.* The use of such information and records is limited to purposes directly connected with the administration of the vocational rehabilitation program, and is not disclosed, directly or indirectly, other than in the administration of the program, unless the consent of the client to such release has been obtained either expressly or by necessary implication.

Release of information to employers in connection with placement is considered as a release of information in connection with the administration of the program.

*b.* Such information is released to other welfare agencies or programs from which the client has requested certain services under circumstances which presumes his consent, provided such agencies have adopted regulations which assure that the information will be held confidential and be used only for the purposes for which it was intended.

*c.* All such information is the property of the division and may be used only in accordance with the division's regulations.

*d.* Procedures and standards. The division has adopted such procedures and standards as are necessary to (1) give effect to

its regulations; (2) assure that clients and interested persons will be informed as to the confidentiality of rehabilitation information and that a copy of the division's regulations is available to them; and (3) assure the adoption of such office practices and the availability of such office facilities and equipment as will assure the adequate protection of the confidentiality of such reports.

#### Division VII

##### PLAN FOR INDIVIDUALS

**35.24 Formulation of the plan.** The division formulates an individual plan of rehabilitation for each eligible individual to whom rehabilitation services are to be furnished. Such plans are formulated on the basis of an evaluation of all data secured through the case diagnosis.

**35.25 Content of plan.** The individual plan summarizes diagnostic findings, sets forth the services necessary to accomplish the individual's vocational rehabilitation, the way in which these services are provided, the estimated costs, and the established job objective.

**35.26 Client's participation and approval.** The individual plan is formulated with the individual's participation and approval and provides for all rehabilitation services that are recognized to be necessary to fully accomplish the individual's vocational rehabilitation whether or not such services are at the expense of the rehabilitation division.

**35.27 Conditions for undertaking the individual plan.** The basic conditions to the undertaking of the individual plan are: (1) The belief of the division that when concluded it will satisfactorily achieve the individual's vocational rehabilitation; and (2) that all services are to be carried to completion, provided, however, that the division exercises its discretion in relation to the termination or revision of the individual's plan when, for any reason, it becomes evident that the above underlying conditions will not be met or when the financial condition of the individual or the division makes termination necessary.

**35.28 Trainee co-operation.** The division requires good conduct, regular attendance and co-operation of all individuals engaged in rehabilitation training but believes that these requirements will usually be achieved through the maintenance of the previously developed counseling relationship rather than by an authoritative approach. The division makes the following provisions for assuring itself of trainee co-operation: (1) Instruction, verbally or by pamphlet, emphasizing the importance of these factors to the success of the individual plan; (2) advising each trainee at the beginning of the program just what is expected of him and that services will continue only if his progress, attitude and conduct are satisfactory; (3) requiring periodic progress, grade and attendance reports from the training agency; (4) maintaining personal

supervision of each training program by a counselor—the intensity of supervision as specifically outlined in the Manual of Operations. Procedures depends upon the type of training and the individual problems involved; (5) promptly calling the trainee's attention to evidence of unsatisfactory progress or attendance before such conditions become serious; (6) providing encouragement to the trainee to promote good work habits with due commendation for effective effort; (7) maintaining good relationships with the training agency and with one instructor or advisor on the school staff responsible as a co-ordinator. A co-ordinator is an absolute requirement in all out-of-state resident training programs.

#### Division VIII SERVICES

**35.29 Scope of services.** *a.* All necessary vocational rehabilitation services, including counseling, physical restoration, training and placement are made available to eligible individuals to the extent necessary to achieve their vocational rehabilitation.

*b.* The division in selected instances assumes responsibility for providing short periods of medical care for acute conditions arising in the course of rehabilitation, which, if not cared for, would constitute a hazard to the achievement of the rehabilitation objective because of the client's limited funds and the unavailability of free medical services.

*c.* Duration of training. Rehabilitation training is provided according to the actual needs of the individual case and is limited to the amount of such training necessary to fit the client for the vocational objective agreed upon.

**35.30 Counseling and guidance.** *a.* Systematic counseling and guidance for the benefit of each individual is provided from acceptance to completion of all services included in the rehabilitation plan.

*b.* Service reports. Adequate reports are obtained at reasonable intervals from physicians, schools, hospitals, employers and other agencies providing services to rehabilitation clients and such reports become a part of the individual case files.

**35.31 Placement.** *a.* The division recognizes that satisfactory employment is the objective of all services of preparation and that placement is an integral part of the rehabilitation program. The division assumes responsibility not only for preparing the disabled for jobs and training them in techniques in securing their own jobs, but also for accomplishing the actual placement, either directly or indirectly, of all eligible disabled individuals receiving rehabilitation services. Prompt selective placement following preparation is always sought.

*b.* Provision is made for a reasonable period of post placement follow-up to insure that placement has been successfully accomplished.

**35.32 Working arrangements.** The division co-operates with federal and other state agencies providing vocational rehabilitation or similar services and written agreements providing for interagency co-operation may be entered into at the discretion of the state board.

#### Division IX FACILITIES

**35.33 Types of facilities.** It is the policy of the state division to use any type of public or private facility which is equipped to render the required services of diagnosis, physical restoration training and placement. Such facilities include public and private schools, colleges and universities, correspondence schools, tutors, agencies or individuals for personal adjustment training, business and industrial establishments for employment training, psychometric service agencies, physicians and dentists, hospitals, sanatoria and clinics, audiometric service centers, rehabilitation centers, occupational, physical and work therapists or agencies providing these services, hospitals and convalescent homes, nurses, prosthetic appliance dealers, and other similar facilities that are adequately equipped to contribute to the rehabilitation of the disabled.

**35.34 General standards.** It is the policy of the division to use only those facilities which meet standards indicating that the services offered are of high quality. Indications of these standards are accreditation, approval or certification by a recognized agency if such exists; use of the facility by other public agencies; reputation and community standing; or investigative survey by the division to determine adequacy of (1) professional and technical qualifications of personnel; (2) quantity and quality of equipment and quarters; (3) scope and completeness of services including guarantee of materials and workmanship in case of artificial appliances.

**35.35 Standards for hospitals.** Hospitals approved by the American College of Surgeons will be used when available. In areas where approved hospitals are not available a local hospital approved by the medical consultant may be used, but only in cases in which the physical condition to be corrected is one which does not present a serious problem and is the type that is commonly handled in that hospital by local physicians. To the extent that is practicable, preference will be given to hospitals with more than one hundred beds with well developed surgical and specialty services which have submitted satisfactory reimbursable cost statements.

**35.36 Standards for persons providing physical restoration services.** *a.* Persons providing physical restoration services must meet standards which insure services of high quality. Clients have free choice of professional persons meeting these standards to the extent that such is reasonable and appropriate.

*b.* Medical diagnosis and treatment are

provided only by physicians licensed to practice medicine and surgery and who are otherwise qualified by training and experience to perform the specific services required. In instances where qualifications are questionable decision as to the acceptability of a physician is made by the medical consultant. Whenever possible, well organized clinics offering services of high quality or recognized medical schools are used.

Standards for physical therapists and occupational therapists are those adopted by the Council on Medical Education and Hospitals of the American Medical Association. Therapists working under approved medical supervision in hospitals approved by the American College of Surgeons are assumed to have acceptable qualifications. When personnel of such qualifications are not available other experienced therapists may be used under medical supervision.

Standards for graduate nurses are those adopted by the state board of nursing examiners. Practical nurses are used only when absolutely necessary and when considered qualified as to education and experience in the opinion of local physicians.

Dental diagnosis and dental treatment are provided only by dentists who are licensed to practice dentistry and are otherwise qualified by training and experience to perform the specific dental services required.

c. The division determines which of the services required by a client are specialty services and such specialty services are rendered only by physicians found by the division to be specialists qualified to perform the particular services required.

d. It is the policy of the state division to select specialists according to the following standards and in descending order of preference:

(1) Diplomats of an American board in a medical specialty.

(2) Those eligible for certification as such diplomats.

(3) If a physician of one of the first two groups is not available or is not the acceptable choice of the client, other doctors of medicine who are recognized as being qualified in the specialty may be selected by the medical consultant after conferring when necessary with members of the professional advisory committee or local physicians.

**35.37 Standards for facilities providing specialized training or other services.** The division selects its training agencies on the basis of their ability to supply the quality of training desired. The general practice of the division is to utilize the facilities of accredited or approved colleges, universities, trade and commercial schools for residence and correspondence training.

a. *Tutorial training.* The standards of selection of tutors will be based upon adequate training and experience in the field in which

the instruction is to be given. Insofar as possible these tutors will meet the educational standards for instructors in the regular fields of education.

b. *On-the-job training.* Agencies selected for employment training must have personnel qualified with respect to personality, knowledge and skill in the technique of instruction, have adequate equipment and instructional material and be willing to make definite provision for a plan of graduated progress in the job to be learned according to an efficiently organized and supervised instructional schedule.

c. *Personal adjustment training.* In addition to other standards set for tutorial and on-the-job training, an important basis for selection of facilities for personal adjustment training is a sympathetic understanding of the personal adjustment needs of the individual and their importance to the client's total rehabilitation.

d. The standards for facilities used in purchasing testing services are: (1) That the service be secured from the psychological department of a recognized educational institution or counseling service, or (2) that the testing be performed by a competent psychologist or psychometrist qualified by adequate training and at least one year of successful experience. Test technicians must be practical in their interpretation of test results to the division and be willing to recognize that they are not employed to do direct counseling with the disabled since the counseling done by the division must be based on all diagnostic information including results of objective measurement.

e. *Determination of compliance with standards.* The division will use the following methods of determining compliance with standards: Careful surveys will be made when deemed necessary of all pertinent factors, including qualification of instructors or other personnel concerned, adequacy of quarters and instructional or other equipment, the use of well organized instructional schedules, the use of good materials, and business integrity with the provision of conscientious complete service.

#### Division X ECONOMIC NEED

**35.38 Establishment of need.** The division establishes the client's economic need prior to providing physical restoration including prostheses, transportation (for other than diagnostic guidance or placement purposes), maintenance, occupational licenses, tools and equipment and training books and supplies except that financial need is only considered when providing maintenance for war-disabled civilians or civil employees of the United States.

In determining economic need the clients, or in the case of minors their parents, guardians or responsible relative, are required to make a specific declaration regarding all capital assets and income from any source that

may be applied toward the cost of rehabilitation services except those of diagnosis, counseling, training and placement which are provided without regard to economic need.

It is considered desirable to secure an appraisal of the client's financial situation in every instance, however, in order to be certain that the client possesses the resources necessary to carry his part of the planned program through to completion. A properly signed financial inventory which certifies as to the total resources available and agrees to notify the division in event of significant change is required prior to the approval of any plan requesting the purchase of services and such inventory becomes a part of the individual's case file. If there is any doubt as to the accuracy of information submitted on the signed inventory, further investigation is made to determine the correctness of the data collected.

The following policies are observed in making determination of need based upon the findings:

*a.* All services requiring the determination of financial need are provided on the basis of supplementing the resources of the client or those responsible for him.

*b.* Personal savings, especially the income from the client's own earnings, are not required to be invested in the rehabilitation program to the extent that the individual's future security may be jeopardized.

*c.* Consideration will be given to the client's responsibility for the maintenance of his dependents and he will be expected to reserve sufficient funds to meet his family obligations and provide for their future care, education and medical expense.

*d.* Consideration will also be given to such factors as prior obligations as well as to the desirability of conserving the client's own resources for future rehabilitation purposes such as becoming established in business or providing himself with a business automobile required for his transportation or employment.

*e.* Income or resources which are considered must be real and should not include apparent assets that are actually liabilities and produce no income.

*f.* The income or resources should be available to the client, that is, actually on hand, free from prior obligations and ready when needed.

*g.* Income or resources up to a reasonable amount should be considered from the standpoint of its conservation and its maximum utilization to the long term interest of the client. Small casual earnings and unpredictable gifts of indeterminate value should not be counted as resources.

*h.* Financial aid from public assistance is disregarded as a resource except as it applies to maintenance.

*i.* Since the major and fundamental purpose of the rehabilitation program is the up-building and maintaining of attitudes of in-

dependence and self-reliance among disabled persons, every effort is made to avoid impoverishing the individual by exhausting his accumulated resources or requiring that he mortgage his future.

**35.39 Standards for determining amount of supplementation.** *a.* The amount of financial supplementation that is required to meet the cost of necessary services in any individual rehabilitation plan requiring the establishment of need is determined in the following manner: (1) The total cost of the services to be provided is determined; (2) the net available resources of the client which may be used to apply toward the purchase of these services is calculated; (3) the division assumes that portion of the cost which is not covered by the client's available resources; (4) when it is not reasonable to expect any of the client's resources to be applied the total cost of the services is assumed by the division.

*b.* In providing maintenance, the dollar standard method of determining need is followed. The standard is changed as advisable to reflect changes in living costs and varies according to type and size of community, kind of training program and other factors affecting living standards. In no case, however, does the maximum maintenance allowance exceed twenty dollars per week except that in cases where special diets, medicines or special transportation must be provided for severely disabled individuals or during a special training program, the maximum amounts in the dollar standard may be increased by twenty percent.

*c.* Goods and services provided are required to be of standard quality, avoiding both inferior and luxury types of purchases, and are required to be provided in such amount and at such time as will contribute most to the satisfactory consummation of the client's rehabilitation plan.

*d.* The cost of care during short periods of acute illness as set forth in section 35.29 "b" is paid for clients in financial need at the rates specified in the fee schedules. These amounts may be in addition to payments under the dollar standard.

*e.* The standards set forth in this section are uniformly applied.

**35.40 Resources of client.** In determining the economic circumstances of the individual the division takes into consideration all consequential resources available to the individual, however derived, including any benefit to which the individual may be entitled by way of pension, compensation, insurance, services in kind, or remuneration in connection with employment training. In appraising the income level of the individual, consideration is given to all factors above set forth.

**35.41 Rules respecting capital assets.** The general policy of the division (subject to the special provisions indicated above) with respect to the extent that capital assets not constituting current income may be disregarded

in determining the economic circumstances of the individual is:

a. The "reasonable amount of capital assets" which may be disregarded in determining need for assistance is established as: (1) Any form of life insurance; (2) real property which consists mainly of a home for himself or dependents; (3) personal property in any amount needed to carry on his business or earn his livelihood, that is: Necessary stock and equipment and business automobile are exempt as are cash or liquid net assets up to five hundred dollars if client has no dependents or one thousand dollars if client has dependents.

b. Capital assets representing the client's earnings from his own labor are given special consideration as are other factors connected with the client's long term responsibilities as set forth under section 35.38.

### Division XI

#### PERSONNEL ADMINISTRATION

**35.42 Methods and policies of selection and appointment.** The personnel administration of the division is conducted in accordance with the standards, rules and regulations provided by state law. Acting within the scope of state personnel legislation currently in effect the board for vocational education selects and appoints all personnel upon recommendation of the director of the division and the executive officer of the board. This procedure applies also to promotions, thus insuring that no individual will be appointed or promoted except on the basis of fitness, merit and experience and unless it is believed that he possesses all the qualifications required for the position and otherwise merits the appointment or advancement. Demotions and discharges of professional workers are made according to the same procedure and in accordance with state personnel regulations currently in effect but authority is delegated to the director to adjust work assignments, re-establish territories, designate actual official residences or transfer employees within the division whenever such action, in his opinion, contributes to the efficiency of the division and is carried out in accord with state personnel regulations currently in effect. The state board for vocational education also delegates to the director the authority to immediately suspend any professional worker for cause or discharge any clerical worker for cause subject to provisions of state personnel legislation currently in effect. The director reports in writing all such action to the executive officer and final action as to the termination or reinstatement of suspended professional workers rests with the board.

It is recognized that only the highest caliber of personnel should be engaged in molding the vocational future of the handicapped and therefore the education, experience, and personal qualifications of all professional workers are required to equal or exceed the highest standards required of professional employees in the state department of public instruction. The

relative merits of all applicants are weighed and selection is made from among those available possessing the highest qualifications for specific positions. Applicants submit written statements of their education and experience to the executive officer through the director who personally interviews the applicants and investigates their records and qualifications. Transcripts of college credit, records of graduate study and copies of theses, dissertations or other professional writings and accomplishments are required to be submitted for review. The director reports the results of his interviews and investigations and makes recommendations to the executive officer who makes appointments with board approval. The board delegates authority to the director to investigate, select and employ clerical workers as needed to carry on the operating program of the division but requires that such action be in accord with accepted personnel regulations and be reported in writing to the executive officer. All appointments and promotions on the professional or clerical staff are considered to be on a probationary basis for the first year or to the extent consistent with state personnel regulations currently in effect.

**35.43 Separation of permanent employees.** No permanent employee engaged in the day-to-day administration of the program is discharged except for cause or for reasons of curtailment of work or lack of funds, and that in event of separation, he shall have the right of appeal through established procedure and opportunity for a fair hearing consistent with personnel legislation currently in effect.

**35.44 Participation in political activity.** Personnel employed in the day-to-day administration of the program will be prohibited from participation in political activity as required by the federal government except that an employee shall have the right to express his views and cast his vote.

**35.45 Personnel qualifications.** The qualifications here stated are the minimum to be applied in the appointment of new employees and it is the policy of the board to secure whenever possible persons whose qualifications exceed those established as the minimum in an effort to engage only the best prepared and highest caliber of individuals to meet the challenge of rehabilitating the handicapped.

The following minimum qualifications are required of junior vocational counselors or of any employee appointed on a temporary, probationary or permanent basis to do direct interviewing and vocational diagnosis, counseling and plan building:

#### 35.45 (1) Personal qualifications.

a. *Physical stamina:* Physical ability and energy required to meet the rigorous duties of rehabilitation service.

b. *Initiative, resourcefulness, and persistence:* Aggressiveness in originating, planning, and carrying out an undertaking; the

ability to find the ways and means of accomplishing it; and the tenacity in following it through to completion.

c. High moral standards, business integrity, and sympathetic understanding of handicapped persons.

d. *Adaptability*: The capacity to get along with others whatever their social or economic status, to understand the viewpoint of others and to discuss matters connected with vocational rehabilitation with an open mind and without becoming argumentative.

e. *Maturity of judgment*: Good common sense in meeting situations, handling people, and in helping the disabled to lay sound plans for carrying through logical rehabilitation programs to successful conclusion.

f. *Emotional stability*: Free from peculiarities of temperament or behavior and from timidity and shyness in meeting and dealing with people.

g. *A good command of English*: Ability to speak and write with a reasonable degree of correctness and to express himself clearly.

h. *Co-operativeness*: Willingness to work harmoniously with his co-workers and to carry out the details of his work according to instructions and in line with approved policies.

### 35.45 (2) *Educational qualifications.*

a. A minimum of formal education as represented by graduation from a four-year course in an accredited college or university or four or more years of such training satisfactorily completed above graduation from high school.

b. Preference is given to persons whose major educational preparation has been in technical fields related to vocational rehabilitation, such as vocational guidance, personnel or industrial management, educational administration, specialized social work or applied psychology.

### 35.45 (3) *Experience qualifications.*

a. A minimum of three years recent, full-time, paid experience during which the individual has demonstrated personal qualities as indicated above.

b. Other factors being equal preference is given individuals having two or more years experience in one or a combination of the following fields:

(1) Full-time vocational counseling and guidance work with adults or vocational rehabilitation work involving counseling, training, physical restoration and placement of disabled persons.

(2) Selection, training, employee counseling, and vocational adjustment of employees in a commercial or industrial concern or public agency employing fifty or more persons.

(3) Public or quasi-public employment service with major responsibility for employee

placement and employer contacts through actual field work.

(4) Instructor in skilled trades or vocational courses or a supervisor of such training.

(5) Workmen's compensation referee or claims adjudication officer or job adjustment specialist.

*Junior Vocational Rehabilitation Counselor.* The above statement of minimum personal, educational and experience qualifications applies to the junior vocational rehabilitation counselor. An employee is classified as a junior vocational rehabilitation counselor during a period of temporary or probationary employment, thereafter, if his services are satisfactory, he is added to the permanent professional staff as counselor unless promoted to an advanced classification by approved procedures. Counselors whose services are otherwise satisfactory but who are unable to meet the minimum production standard for full-time counselors employed by the division are retained as junior vocational rehabilitation counselors or are reduced to that status upon the recommendation of the director, who will take into consideration the quality of work being performed, types of difficult cases being served, and other factors affecting production. This policy will not be applied in such a manner that will discourage quality work or encourage the acceptance of "easy" cases.

*Vocational Rehabilitation Counselor.* The minimum qualifications listed above apply to this position and the qualities required must have been demonstrated by successfully passing the probationary period of employment and meeting quantitative and qualitative standards of production.

*Senior Vocational Rehabilitation Counselor.* In addition to the qualifications of counselor, the senior vocational rehabilitation counselor must hold a master's degree or other technical experience or training in a specialized area of service connected with some phase of rehabilitation and have demonstrated by five or more years of employment to be qualified for handling specialty services to the disabled within the rehabilitation program.

*District Supervisor.* In addition to the minimum qualifications of counselor, the district supervisor must have demonstrated by two or more years additional case work or technical experience in vocational rehabilitation or by one year of such experience and additional specialized training to possess the abilities to perform the duties outlined for this position. Special consideration is given to qualities shown by outstanding case work and the ability to train other counselors and supervise and evaluate their work to the end that the highest quality and quantity of rehabilitation services are obtained.

*State Medical Consultant and District Medical Consultant.* Graduation from a school of medicine approved by the Council on Medical Education and Hospitals of the Ameri-

can Medical Association, licensed to practice medicine and surgery in the state, at least three years of resident or graduate training or experience in a medical field appropriate to physical restoration, and held in high regard by his fellow physicians, the state department of health and the Iowa Medical Society.

*Assistant State Director.* In addition to the minimum personal and educational qualifications of the counselor, the assistant state director must possess a master's degree or not less than five years of formal training above high school graduation. He shall possess additional personal qualifications as follows:

**35.45 (4) Leadership ability.** The ability to enlist, organize and use effectively the co-operative efforts of others including co-workers, agencies, groups and individuals and to retain their loyalty.

**35.45 (5) Planning ability.** The ability to anticipate, analyze and lay plans for developing the state-wide service to rehabilitate the handicapped.

**35.45 (6) Administrative and supervisory ability.** The ability to develop organization and manage personnel efficiently; the ability to train subordinates in their duties, to analyze and evaluate their work, to effectuate plans, and to devise and apply remedial measures when necessary.

These qualities must have been demonstrated by at least five years of technical experience in civilian vocational rehabilitation employment, including two years in an administrative or supervisory capacity. A person who has qualified for and successfully held the position of district supervisor for three or more years is considered to have met the educational and experience requirements for this position.

*State Director.* Same as for assistant state director and in addition must possess the ability to manage funds, maintain financial and statistical records, account for state property, conduct administrative details according to established policy and promote the general rehabilitation program.

*Chief Fiscal Officer.* Because of the responsibilities entailed in this position, high personal as well as educational and experience qualifications are required. The chief fiscal officer must be at least twenty-one years of age and qualified to serve as a notary public; must be of good moral character and must have demonstrated high standards of business integrity throughout his business or professional life; must have completed high school training with additional training at the university or business college level in mathematics or accounting and must have excelled in such activity and in addition must have had at least four years of successful business or office experience, at least two years of which must have been in the handling of financial accounts. Preference is given to persons who are four-year college graduates and qualify as certified public accountants or to those whose experience has been closely related to the rehabili-

tation division in auditing or managing financial accounts.

*Clerical Staff Assistant.* This clerical position requires the ability to co-ordinate office activities, manage inventories, case files, and record systems. The individual must be capable of being a personal secretary or administrative aid and to take special assignments in supervising clerical personnel or in performing the more responsible duties in the various departments. The personal qualifications for this position are: (1) Strong personality; (2) initiative; (3) emotional stability; (4) good judgment; and (5) interest in the total development of the program. In addition to possessing the educational and experience qualifications of a secretary, the clerical staff assistant must have demonstrated the required abilities by actual employment of not less than one year.

*Secretary.* Minimum educational qualifications consist of graduation from a four-year high school with additional business training necessary to meet above average requirement in both speed and accuracy in the fields of typing, shorthand, business English, and related subjects. In addition a secretary must have demonstrated proficiency by at least one year of successful employment in secretarial or stenographic work. Personal characteristics required are: (1) Initiative; (2) industry; (3) neatness; (4) accuracy; (5) pleasing personality; (6) good judgment; and (7) good health.

*Stenographer.* Minimum educational qualifications consist of graduation from a four-year high school with additional business training necessary to meet at least average requirements in both speed and accuracy in the fields of typing, shorthand, business English and related subjects. In addition a stenographer must have demonstrated proficiency by at least six months of successful employment in secretarial or stenographic work. Personal characteristics required are: (1) Initiative; (2) industry; (3) neatness; (4) accuracy; (5) pleasing personality; (6) good judgment; and (7) good health.

*Statistical Clerk.* The minimum educational, experience and personal qualifications for this position are those set forth for the position of stenographer and in addition the individual must possess sufficient ability in handling mathematical and statistical problems to handle case accounting procedures and prepare analyses of statistical data.

*Bookkeeper.* The minimum educational, experience and personal qualifications for this position are those set forth for the position of stenographer and in addition the individual must have specialized in bookkeeping or accounting procedures and have demonstrated proficiency in handling routine financial accounts.

*Junior Stenographer.* Minimum educational qualifications consist of graduation from a four-year high school with additional business training necessary to meet at least average requirements in both speed and accuracy in the fields of typing, shorthand, business Eng-



lish and related subjects. Personal characteristics required are: (1) Initiative; (2) industry (3) neatness; (4) accuracy; (5) pleasing personality; (6) good judgment; and (7) good health.

**Typist.** Minimum educational qualifications consist of graduation from a four-year high school with additional training whenever necessary to meet average requirements in both typing speed and accuracy. In addition the personal qualifications of a stenographer are required.

**35.46 Vacations and leaves for illness and military service.** Insofar as is consistent with state personnel regulations currently in effect the division will allow all employees an annual vacation with pay for one week after the first year of employment and two weeks after two years or more of employment. An employee is not entitled to a portion of his vacation as the vacation is only due when fully earned but the director may at his discretion adjust vacation periods to permit them to fall during the usual vacation months. Short leaves of absence due to personal illness or serious illness or death in the employee's immediate family will be granted by the director upon request as conditions seem to warrant. Permanent employees on the professional or clerical staff may be granted a leave of absence with pay of not to exceed thirty days per year when necessary by reason of sickness or injury. The question of need is determined by the director and he may request substantiating medical information. Unused portions of such sick leave may be accumulated for three consecutive years.

Leaves for military service will be granted in accordance with state law.

#### **Division XIV MAXIMUM FEES**

##### **35.47 Training.**

**35.47 (1)** In no case is the amount paid a training facility in excess of the rate published and in the case of facilities not having published rates, the amount paid the facility does not exceed the amount paid to the facility by other public agencies for similar services.

**34.47 (2)** When facilities are used which have no published rates or from which other public agencies do not purchase similar services, such as on-the-job training, tuition fees will be established by agreement after ascertaining the comprehensiveness of instruction, the adequacy of equipment, the personal and technical qualifications of instructors and other factors which contribute to the success of such programs. In establishing tuition fees consideration will be given to the productive value of the trainee's services to the employer, the amount of wages which the employer will be required to pay the trainee, the amount and type of supervision required of the employer and the length of the training program. Fees may be graduated downward as training progresses but in no case will the division

pay an amount in excess of twenty dollars per week tuition for on-the-job training or two dollars and a half per clock hour for special tutorial instruction. Travel costs of tutors, when required, may be reimbursed in accordance with applicable state regulations.

**35.47 (3)** The division will maintain such information as is necessary to justify the rates of payment made to training facilities.

##### **35.48 Physical restoration services (other than hospitalization and prosthetic devices) and medical examinations.**

**35.48(1)** The division has established fee schedules which indicate the maximum payments that may be made for physical restoration services and medical examinations. These maximum fees do not exceed those paid by other public agencies operating in the state for such services or examinations.

**35.48 (2)** When medical personnel or facilities located in another state are utilized, the rates of payment of the vocational rehabilitation division of the other state will be observed.

**35.48 (3)** The division maintains such information as is necessary to justify the rates of payment made for physical restoration services and medical examinations.

##### **35.49 Hospitalization.**

**35.49 (1)** Payments made for days of hospital care are made at inclusive per diem rates as defined in the regulations, and shall not exceed the average per diem cost for hospitalization as computed by the reimbursable cost method promulgated by the federal director, except that services at the Iowa State University Hospitals may be purchased at rates not in excess of the average of per diem rates established by all hospitals being used by the Iowa division.

**35.49 (2)** The reasonableness of the cost of such items as blood donors, X-rays, anesthesia, appliances, casts, drugs and supplies, not purchased or provided by the hospital, for which the hospital has made no expenditures during the accounting period and which, therefore, are not covered by the inclusive rates, will be determined by the charges made for such services to the general public and will not exceed the amount paid by other public agencies for other services.

##### **35.50 Prosthetic devices.**

**35.50 (1)** In no case is the amount paid for prosthetic devices in excess of the published rates for such devices, or, if there are no published rates, the amount paid for such devices does not exceed the amount generally paid for such devices by other public agencies operating in the state.

**35.50 (2)** The division maintains information necessary to justify the rates of payment for prosthetic devices.

##### **35.51 Travel.**

**35.51 (1)** All travel expenditures will be



made in accordance with applicable state regulation.

**35.51 (2)** The authority for all official travel of a duly constituted official of the division is issued by the director. He delegates authority to control the official travel of all members of the operating staff to the assistant director. Travel within a district is under the immediate supervision of the district supervisor and authority for district personnel to travel outside of their district is issued

## PUBLIC SAFETY DEPARTMENT

### ADMINISTRATIVE DIVISION

Pursuant to authority vested in this department by Section 321.4, Code of Iowa, rules and regulations appearing at 1958 I.D.R. 294-295, pertaining to procedures and regulations for motor vehicle equipment approvals, are hereby rescinded. [Filed June 14, 1961]

Pursuant to authority vested in this department by Section 321.4, Code of Iowa, the following rules and regulations pertaining to motor vehicle equipment approvals are hereby adopted:

#### RULES, REGULATIONS, AND SPECIFICATIONS CONCERNING APPROVALS OF MOTOR VEHICLE LIGHTING DEVICES AND OTHER SAFETY EQUIPMENT

[Filed June 30, 1961]

#### Submittal Procedure and Requirements

The following procedures shall be followed when any equipment or device is submitted for approval:

#### I. Original Equipment

A. The vehicle manufacturer, or his supplier, shall submit to the commissioner of public safety a written request for approval of the lamp or device.

B. With the request the following shall be supplied:

1. Identification of the make and model, or models, of vehicle for which the lamp or device is designed.

2. A test report, from a recognized testing laboratory approved by the commissioner, showing compliance with the appropriate specifications and regulations as specified herein.

In cases where there may be delays in obtaining completed test reports from approved laboratories, the manufacturer may submit with his request for approval a test report from his own laboratory indicating compliance with appropriate specifications. In such cases, a temporary certificate of conditional approval will be issued subject to cancellation without further hearing if the applicant fails to supply the required test report from an approved laboratory within ninety days after issuance of the certificate.

#### II. "After-Market" Equipment

A. The manufacturer or his representative shall submit to the commissioner of public

by the assistant director on specific request. All out-of-state travel must be recommended by the director and approved by the executive officer of the board and by the executive council of the state.

**35.51 (3)** Official travel will not be allowed for expenses within the official station of an officer or employee except for necessary transportation expenses other than between home and office or place of duty.

safety a written request for approval of the lamp or device.

B. The following items shall be supplied with the request for approval:

1. A test report, from a recognized testing laboratory approved by the commissioner, showing compliance with the appropriate specifications and regulations specified herein.

2. A set of installation or mounting instructions when applicable.

3. A set of aiming instructions when applicable.

#### III. Safety Glass

A. Requests for approval of safety glass shall be submitted in accordance with the requirements set forth above for original equipment items, except that it will not be necessary to supply information as to make and model of vehicle on which the glass is to be installed.

#### IV. Listing of Approved Motor Vehicle Equipment

Items of equipment will be dropped from the "List of Approved Motor Vehicle Equipment" five years from January 1 following the date of approval, unless the manufacturer requests further listing, in which case he shall submit a test report or other proof that the item as then being manufactured meets the then current specifications.

#### V. Specifications for Lamps and Devices

##### A. General

1. All lamps and lighting devices, and parts thereof, shall comply with the "SAE Standards" and "SAE Recommended Practices" appearing in the then current edition of the "SAE Handbook", published by the Society of Automotive Engineers, Inc., 29 West 39th Street, New York 18, New York, which are applicable to the lamp or device being submitted for approval, provided such standards are consistent with Iowa statutory requirements.

2. The interstate commerce commission standards for reflector flares, towing devices, and saddle mounts.

3. The current American Standards Association specifications for safety glass.

4. Additional specifications may be adopted by the department whenever the before men-

tioned specifications are deemed inadequate or inapplicable to a particular device.

#### B. Model Designation

Each individual device or equipment shall have a model designation. Devices or equipment which are substantially different in optical or mechanical construction, even though such devices or equipment may serve the same functions, shall bear distinctive model designations.

#### C. Identification

The device or equipment shall be marked with the trade-mark or name and the model designation in letters and numerals at least one-eighth inch in height. The manufacturer's initials will be acceptable as the name. The approval markings shall be readily visible and legible from the outside of the device or equipment when it is properly mounted on the vehicle; except that required markings on built-in headlamp and auxiliary lamp sub-bodies using sealed beam units, and on built-in turn signal operating units, may be on the inside. Markings other than those which are required may be of any size or in any location. The required markings shall be permanently die-stamped or molded in both the body and lens except that the body markings may be marked by a suitable decalcomania protected from abrasion and weathering if it is not feasible to die-stamp or mold them on the body. In such cases the lens markings shall still be molded in the lens and shall be visible from the outside. Safety glass shall be marked according to current specifications of the American Standards Association.

No raised or indented markings or identification shall be so placed as to interfere with the proper seating of surfaces where a tight seal is desirable.

VI. The commissioner may require samples or further testing at the manufacturers expense of any device for which approval has been requested.

#### DEALERS LICENSE DIVISION

"PLACE OF BUSINESS" shall include the following requirements:

1. "Designated Location" means a building actually occupied, easily accessible to the public, and wherein the public may contact the owner or operator at all reasonable times.

2. "Adequate Facilities Shall Be Maintained for Displaying Cars" means a suitable space in a building reserved for display purposes where automobiles may be viewed by prospective buyers under conditions favorable to health and safety, meaning clean air, dry and safe flooring, well-lighted, and free from obstacles, equipment or machinery, etc.

3. "Reconditioning and Repairing" means a suitable repair shop separate from display room, with space to repair and recondition one or more automobiles at the same time, equipped with ample tools for making these repairs.

4. "New and Used Dealer Plates." Whenever an Iowa dealer operates a motor vehicle that

is not currently registered in Iowa on the public highway under the authority of section 321.57 of the 1954 Iowa Code, such motor vehicle shall at all times display dealer plates provided by the department which identify the motor vehicle as a "New Car" or a "Used Car" as the case may be. "Used Car" dealer plates may only be displayed on a used motor vehicle as defined in section 322.2 (6) of the 1954 Code of Iowa by dealers licensed by the department to sell used motor vehicles. "New Car" dealer plates may only be displayed on new motor vehicles by dealers licensed by the department to sell such make of new motor vehicles.

5. "Identification Sticker." Whenever an Iowa dealer obtains title to a foreign registered motor vehicle under the authority of section 321.48 (2) of the 1954 Iowa Code, and holds such motor vehicle for resale without obtaining a current Iowa registration; there shall be displayed upon such motor vehicle at all times an official identification sticker furnished by the department certifying the identity of the motor vehicle, the state of previous registration, and that it is a used car as defined by section 322.2 (6) of the 1954 Code of Iowa. Such sticker shall be obtained from the county treasurer by the dealer at the same time the Iowa title is obtained, and the dealer shall immediately fasten the sticker securely to the inside lower right corner of the windshield of the motor vehicle. The sticker shall remain displayed thereon until said motor vehicle is sold at retail and a regular Iowa registration has been applied for as provided by law. [Filed December 19, 1956]

#### 6. Salesmen.

6.1 No motor vehicle dealer shall act as a salesman for any other motor vehicle dealer.

6.2 No unlicensed person employed as a salesman of motor vehicles by a licensed new or used motor vehicle dealer shall act as a salesman, or represent or imply, either directly or indirectly, that he is a salesman for any other new or used motor vehicle dealer. [Filed November 26, 1963; effective December 26, 1963]

(This rule is intended to implement section 322.3, subsection 3.) [Filed without approval or disapproval of the Departmental Rules Review Committee]

#### DIVISION OF FIRE PROTECTION

The following rules, regulations and specifications have been approved and adopted by the state fire marshal under the authority of and in accordance with the provisions of chapter 103, Code of Iowa, 1946, 1950.

#### CLASS "A" ESCAPES

##### METAL SPIRAL AND TUBULAR SLIDE TYPE AND ENCLOSED FIREPROOF STAIRWAYS

Spiral and tubular slide fire escapes shall be considered as Class "A" escapes and will be permitted when general plans and specifications for such escapes have been filed with the state fire marshal by the manufacturer and approved by the fire marshal. Plans for each installation shall be submitted for approval before escape is fabricated.

Enclosed fireproof stairs may be considered as Class "A" escapes when approved as such by the state fire marshal.  
CLASS "B" ESCAPES

#### IRON STAIRWAY FIRE ESCAPES—BALCONIES

**Frames.** All frames shall be constructed according to specifications herein noted for balconies for ladder escapes with exception of opening and depth, and of sufficient length to permit of an easy (or about forty-five degrees) pitch to the stairs. All balconies shall be not less than twenty-six inches deep and twelve inches longer than width of exit, said twelve inches to extend in direction of downward flight of stairway, and shall not be less than fifty-four inches deep at turns, and the full width of stairway must be maintained at all turns in stairways.

**Posts.** All railings and posts for stairway balconies to be constructed the same as for ladder balconies, except that posts at open end of balconies shall be braced and intermediate posts shall be braced at least every six feet to the top member of brackets and which shall extend at least ten inches beyond balcony platform, to provide support for a one and one-quarter-inch by one and one-quarter-inch by one-quarter-inch angle, or a five-eighths-inch round or square brace to posts fastened about fifteen inches above balcony frame.

**Rails.** Rails of balconies for Class "B" escapes shall be constructed as provided for ladder or Class "C" escapes. Provided, however, that all stairway escapes hereafter erected on school buildings shall be constructed with filling-in bars or wire mesh in which case a two-rail system may be used with bottom rail not more than eight inches above the floor of balcony and shall be of one and one-half-inch by three-eighths-inch bar, or of one and one-half-inch by one and one-half-inch by one-fourth-inch angle iron, and a top rail of one and three-fourths inches by one-half-inch bar, or one and three-fourths inches by one and three-fourths inches by one-fourth-inch angle iron and not less than three feet above balcony floor. Rails at dead ends to be leaded or cemented into the wall not less than four inches.

**Filling-in Bars or Wire Mesh.** The standard or filling-in bars shall be not less than five-eighths-inch round or square iron, well riveted or welded to the top and bottom rails of all balconies and stairways, and shall be placed not more than six inches apart, or a wire mesh filling may be used, the same to be constructed of not smaller than ten gauge wire with not larger than one and one-half-inch mesh, securely fastened to all posts and railings of balconies and stairways.

**Brackets—Balconies.** Bracket construction of angle iron shall be not less than one and three-quarters by one and three-quarters by one-quarter-inch angle iron, firmly secured at all points of intersection of main members to one-quarter-inch gusset plates, by at least two one-half-inch rivets. Where width of balcony

exceeds forty-two inches, interior braces of one and one-half by one and one-half by one-quarter-inch angle iron, or its equivalent, shall be securely riveted to main members of bracket. The anchorage of all angle iron brackets shall consist of one-inch round iron, securely riveted with not less than three one-half-inch rivets to the top member of bracket and passing through the wall and secured both above and below as specified for brackets for ladder balconies. Angle of brackets shall be same as for ladder escapes.

#### STAIRWAYS

**Stairway Clearance.** No stairway shall be erected closer than four inches from any portion of walls of building.

**Stringers.** Stringers for stairs to be not less than two and one-quarter-inch by five-sixteenths-inch iron, two on each side of stair with steps securely bolted to same and so spaced that no part of tread will protrude beyond stringers. Stairway stringers to be securely fastened to the balconies with one-half-inch bolts.

**Steps.** Steps to be made of at least five one-half-inch square irons with corners upward, firmly riveted or welded to steel plates at each end. Said plates to be two and one-quarter inches by five-sixteenths-inch mild steel firmly bolted with one-half-inch bolts to stringers and punched one and three-quarters inches center to center, forming a tread not less than seven inches wide and twenty-two inches long.

**Rise.** Steps to be spaced so as to make about eight-inch rise. On counterbalance stairways there shall be provided between the four upper treads a filling-in riser, of the same construction as stair treads, attached to and parallel with lower members of stringers.

**Posts.** Angle iron posts one and three-quarters inches by one and three-quarter inches by one-quarter-inch shall be spaced not to exceed four feet apart on all stairways, and shall be rigidly fastened to the stringers of stairway.

**Rail.** Railings for stairways to be the same as balcony railings, except that no brace posts shall be required and all double width stairways shall have railings on both sides of stairway. All single width stairways, where there is more than four-inch space between stairways and walls, recesses or openings in walls, shall be provided with railings on the inside, the same as specified for outside of stairways.

**Double Width Stairs.** Where double width stairways are constructed they must be designed to carry the double load required, the treads to be composed of at least five three-quarter-inch square irons, corners upward, and firmly riveted or welded to steel plates at each end, provided that where a center stringer is used, the treads shall conform to specifications for single stairways. Class "B" fire escapes for hospitals shall be double width and reach ground direct.

**Stair Bracket.** Where any flight of stairway exceeds sixteen feet in length, a bracket com-

plying with bracket specifications to provide support and stiffening shall be placed as near midway of the flight as possible.

**Intermediate Platform.** Whenever the length of any stairway (Class "B") fire escape shall exceed twenty feet between platforms, an intermediate platform not less than three feet in length and the full width of escape shall be provided.

**Terminal Balcony.** In all cases where stairway (Class "B") fire escapes terminate within six and one-half feet from the ground, they shall be provided with a balcony at bottom the full width of stairway and not less than thirty inches in length.

**Exits.** Fire escapes erected on theaters, opera houses and school buildings, public halls and assembly rooms shall be reached through doorways provided at floor level on each floor and shall reach ground either direct or by counterweight or counterbalance stair. Provided, however, that buildings used strictly for high school purposes may be exempted from this rule because of construction or other exceptionally favorable conditions. Every (Class "B") fire escape that reaches the ground direct shall be firmly anchored to a cement or stone block footing. Exits to Class "A" and Class "B" fire escapes shall be doors at floor level and open outward.

All hospitals, sanatoriums, infirmaries, homes for the aged, county homes, and other similar institutions shall be equipped with an approved type of spiral or tubular fire escape.

**Counterbalanced Stair.** Counterweight or counterbalanced stairways shall be constructed from lower balcony to the ground, and must be railed on both sides, and so braced and strengthened as to withstand the stresses produced when loaded stairway strikes the ground. The path described by the operation must be free from any obstruction which might prevent the successful operation of same.

#### COUNTERWEIGHT CONSTRUCTION

**Brackets.** Top bracket to be standard construction for brackets. Lower bracket construction may be two standard brackets, or their equivalent, with not less than four-inch channel iron crossplate on top. Where special lower brackets are provided they shall be attached to wall by two expansion bolts not less than five-eighths-inch in diameter.

**Guides for Counterweight.** Guides shall be not less than two one and three-quarter-inch by one and three-quarter-inch by one-quarter-inch angle iron or two iron rods not less than three-quarter-inch diameter arranged in such manner that counterweight is securely retained. Guides to be securely attached to upper and lower brackets, with two nuts on bolts.

**Sheaves.** Not less than two sheaves of self-lubricating type shall be provided. For five-eighths-inch cable the diameter of sheaves shall not be less than ten inches. For one-half-inch cable the diameter of sheaves shall be not less than eight inches.

**Housing.** Housing for sheaves shall be constructed of sheet iron not less than No. 10 gauge and shall inclose both sheaves to their full depth.

**Cables.** Cables shall be not less than one-half-inch diameter flexible hoisting cable.

**Counterweights.** Counterweights shall be so constructed that they will operate freely in guides under any weather conditions.

**Bails.** Bails shall be constructed of not less than three-quarters-inch diameter iron rod attached to outside of stair stringers and provided with crossbar equal to width of stair at top of bail, with a minimum head clearance of not less than seven feet at all times.

#### CLASS "C" ESCAPES

##### IRON LADDER FIRE ESCAPES—BALCONIES

**Material.** All balconies for ladder fire escapes hereafter erected must be of wrought iron or mild steel, not less than twenty-eight inches deep and six feet long.

**Frame.** The balcony frame shall be made continuous of not less than one and three-quarters-inch by one and three-quarters-inch by one-quarter-inch angle iron securely riveted or welded together, with cross bars every two feet, said bars to be punched one-half-inch square every one and three-fourths inches center to center, and one-half-inch square iron with corners upward forced through the same, leaving a manhole of not less than twenty-four by twenty-four inches located to clear side of exit to balcony by at least six inches. The cross-bars to be securely riveted, welded, or bolted to the angle iron frame. Said cross-bars must be not less than one and three-fourths-inch by three-eighths-inch iron. Balconies over thirty inches wide must have at least one, one and three-fourths-inch by one-fourth-inch T-iron lengthwise through the balcony.

**Posts.** Said balconies to have a one and three-fourths-inch by one and three-fourths-inch by one-fourth-inch angle iron post every three feet, bolted to the balcony.

**Rails.** Balconies to be equipped with three rails of angle iron, or pipe. Angle iron to be one and three-fourths-inch by one and three-fourths-inch by one-fourth-inch. Pipe rail to be three-fourths-inch inside diameter pipe. Top rail to be not less than three feet, and bottom rail not more than eight inches above balcony with intermediate rail spaced equally between the two. All railing to be continuous, except the space occupied by ladder, where railings shall be securely bolted to sides of ladder.

Rails shall enter the wall at each end at least four inches and top rail be securely braced to balcony with one and one-half-inch by one-fourth-inch bar.

In lieu of the above a rail system with filling-in bars or wire mesh as described under stairway escapes may be used.

##### BRACKETS FOR BALCONIES OF LADDER ESCAPES

**Material.** There shall be not less than three one-inch square or one-inch diameter round mild steel brackets to every six-foot balcony, brackets to be spaced not to exceed three feet

apart. Brackets as specified for stairway escapes may be used.

**Fastenings.** Top bar of said bracket must pass through the wall of the building and be bolted on the inside with a nut and four-inch by four-inch by three-eighths-inch plate iron washer back of nut. Where walls are of frame construction, or veneered, said brackets must be secured by a four-inch by three-eighths-inch plate, or two, two-inch by five-sixteenths-inch iron bars securely spiked to each studding on inside of wall and running the full length of balcony.

**Angle.** The angle of brackets to be about forty-five degrees and not less than thirty degrees without special permission from the state fire marshal, and to pass into the wall at least four inches at bottom.

#### LADDERS

**Material.** Rungs of ladders to be one-half-inch square iron, with the corners upward. Every rung to be riveted and to be fourteen-inch centers. All ladders must be eighteen inches between side guards, which shall be not less than two inches by five-sixteenths-inch iron.

**Location.** All such ladders, when erected on buildings, to be placed to the side of the windows, opposite the wall or pier, securely fastened with hook bolts, on the inside of each side bar, to the balconies and not less than twenty-four inches away from the wall, and to start six and one-half feet from the ground. In lieu of starting ladder within six and one-half feet from the ground a drop ladder may be hung at second story in such a manner that it can be easily lowered in case of necessity, same to be secured by guides to insure safe upright position when ladder is lowered, and to be secured at second story in such manner as to be easily dropped without lifting. The vertical distance between anchorage for all ladders shall not exceed twelve feet.

#### GENERAL REQUIREMENTS

**Use of Other Materials.** Materials of the following type and meeting the following specifications may be used in the construction of all classes of fire escapes in addition to or in substitution of the materials heretofore authorized for such use:

Steps, double width stairs, balconies, landing platforms and walkways may be constructed of serrated or antiskid open type steel grating. The material from which the sections are made shall not be less than twelve-gauge thickness.

Openings in the surface shall not be more than seven-eighths inches wide and one and one-half inches long or less than one-half inch wide and one and one-half inches long. All sections shall be capable of supporting a uniform superimposed load of one hundred pounds per square foot without causing a deflection in excess of one-two hundred fortieth of the span.

Dated at Des Moines, Iowa, this second day of November, 1955. [Filed November 25, 1955]

**Rivets and Bolts.** All rivets and bolts used in general construction to be not less than one-half-inch diameter unless otherwise specified and all rivets to be driven hot, with heads concentric, with all holes well filled and rivet heads well rounded where clearance will permit.

**Material.** The use of second-hand material will not be permitted, and will be condemned if found in fire escape construction.

**Fittings.** No cast iron fittings shall be used.

**Roof Ladder.** All fire escapes to have a ladder of standard construction extending from top story balcony over and three feet above the roof, with gooseneck construction securely fastened to the roof or wall. The bottom of said ladder to be secured to balcony, and in no case shall said ladder be constructed to lean outward from the building. When more than one fire escape is erected on a building, the number of roof-ladder extensions may be limited to a reasonable number necessary for fire-fighting purposes.

**Holes in Masonry.** All holes in masonry must be filled with best Portland cement mortar.

**Painting.** All work must be painted with not less than two coats of paint, one of iron oxide and linseed oil in shop, and one of graphite and linseed oil after erection. The field coat to be different color than shop coat.

**Factor of Safety.** Balconies and stairways shall be capable of sustaining a live load of one hundred pounds to the square foot. Fire escapes shall have a factor of safety of not less than four.

**Approval of Plans.** Duplicate sets of blueprints of plans and specifications for fire escapes should be submitted to the state fire marshal for approval before beginning fabrication in the shop. If plans are acceptable, they will be approved, one set being returned to the sender and the other retained for the files of the state fire marshal.

#### Maintenance and Painting

Steel members of all classes of outside fire escapes shall be painted before and after erection.

All outside fire escapes shall be inspected at least once each year and shall be scraped and painted as often as necessary to maintain them in proper condition at all times.

All outside fire escapes shall be kept clear of all obstructions.

All outside fire escapes shall be promptly cleaned after snow or ice has accumulated thereon.

No obstructions such as telephone or lighting wires shall be permitted on or near outside fire escapes. Electric light or power wires shall not be directly over or within three feet of outside fire escapes or balconies, unless such wires are inclosed in rigid conduit.

Rules and regulations pertaining to exits in buildings, foyers, aisles and ramps in theaters, etc., and means of escape from buildings.

## DOORS

**Doors to Open Outward.** The entrance and exit doors of all hotels, churches, lodge halls, courthouses, assembly halls, theaters, opera houses, colleges, public schoolhouses, and other structures where the hazard is deemed sufficient by the inspector, and the entrance doors to all class and assembly rooms in public school buildings, shall open outward and shall not be fastened against exit or so the same can not be easily opened from within. (Section 103.8, Code, 1946 [1950].)

Entrance and exit doors for hospitals or retail stores shall open outward when such arrangement appears warranted by the inspector, subject, however, to the approval of the state fire marshal.

**Emergency Exits.** Emergency exit doors for theaters, assembly halls, auditoriums, and dance halls shall be provided as follows: There shall be at least twenty-two inches emergency exit door width for each one hundred persons, or major fraction in excess thereof, and no emergency door shall be less than forty-four inches in width except doors to fire escapes. At least one emergency door shall be provided. Emergency exit doors shall have lighted signs over door at night or when room is darkened. All emergency exit doors shall open outward and shall not be fastened against exit, except by antipanic bar locks, while the building is open to the public.

**Foyers.** Foyers, corridors, passageways and stairways for buildings noted in preceding paragraph shall not be of less width than the combined width of aisles leading into same and in no case shall any aisle or passageway be less than thirty-six inches wide or any foyer or stairway less than forty-four inches wide in the clear. Stairs and passageways shall be properly lighted. Auditoriums, assembly halls and dance halls on the second floor of two-story buildings not provided with at least two adequate stairs, shall be equipped with fire escapes according to the ratio fixed by law.

**Ramps.** Ramps shall be provided in aisles and passageways leading to exits instead of steps whenever the rise to exit will permit a ramp to be used, and shall be surfaced with suitable nonslip material whenever surface is such as to involve danger of slipping. The rise in a ramp shall not exceed one foot in each seven feet of lineal length except by special permission of the state fire marshal.

**Seats.** Seats in auditoriums, theaters and assembly halls, balconies and galleries shall be securely fastened to the floor, except that railed-in inclosures, boxes or loges with level floors and having not more than fourteen seats need not be fastened.

Seats shall be arranged in such manner that no more than fourteen seats shall be placed between aisles or more than seven seats between an aisle and the wall when there is no outside aisle at the wall. Seats shall be arranged so that there will not be less than thirty inches from back to back of the seats. Seats without dividing arms shall have their

capacity determined by allowing twenty inches per person. No seats shall be placed in the aisles or persons allowed to stand in aisles or foyers. Persons waiting to enter the building shall not occupy more than one-half of lobby, thus leaving one-half of the lobby clear for exit.

## DIVISION OF HIGHWAY SAFETY AND UNIFORMED FORCE

## Operators and Chauffeurs Licenses

*Driver's License Examinations:*

A person desiring to secure an Iowa driver's license must pass an examination given in Iowa by a uniformed driver's license examiner. He may take the examination as soon as he is eligible for an operator's license, and as soon as he feels that he has learned the rules of the road and has had sufficient practice to pass the examination.

The purpose of the examination is to determine three things:

1. Is the applicant physically and mentally competent to operate a motor vehicle with safety?
2. Does he know the law of the road, and has he had sufficient experience to operate a motor vehicle with safety?
3. Is he willing to keep his vehicle properly equipped for safe driving?

Under no circumstances will any person (except a nonresident) be given an examination unless accompanied by a licensed driver.

The examination shall consist of four parts: (1) Vehicle inspection; (2) driving test; (3) written or oral test; and (4) vision test. A person wishing to obtain an instruction permit will be required to pass parts 3 and 4 of such examination; a person wishing to secure an operator's or chauffeur's license will be required to pass parts 1, 2, 3 and 4 of such examination.

*Time When an Applicant May Appear for Re-examination:*

1. If the uniformed driver's license examiner fails a person for low visual acuity which may be corrected by glasses, or if the applicant is refused an examination because of the condition of his vehicle, the applicant may appear again to complete the examination as soon as the necessary corrections have been made. The examination may be completed the same day in such cases, if the applicant's equipment is ready and time permits.

2. If the applicant must do some studying or practicing to complete the examination (as in the case where he has failed the tests on road rules and signs), he shall not be permitted to take the remainder of the examination until the following day except in the case of out-of-state drivers who are anxious to be on their way or other emergency cases. In any case, a second trial should not be given less than four hours after the first, because the applicant may need this much time to prepare himself properly.

3. If the applicant fails the road test and needs considerable practice, he shall not be

permitted to take the examination again within a week. An applicant who lacks very little of passing on the first driving test may be examined the following day at the discretion of the uniformed driver's license examiner.

#### *Vehicle Inspections:*

The vehicle inspection will be made by the uniformed driver's license examiner. The vehicle shall be roadworthy, shall be properly equipped with two headlights and a taillight in good working order, rear vision mirror, muffler, adequate foot and hand brakes, clear vision windshield of safety plate glass, windshield wiper, and horn or signaling device, and shall have proper registration plates and registration certificate.

No person shall be given a driving test until the vehicle which he presents for vehicle inspection meets the requirements as set forth herein. An applicant whose vehicle fails to pass the vehicle inspection test will be permitted to have the vehicle repaired or necessary adjustments made, and may return his vehicle for another inspection on the same day.

#### *Road Signs Test:*

Applicants who are unable to read standard signs and the questions pertaining thereto may be given an oral examination. This shall be done by using a set of standard signs as illustrated in the Iowa drivers guide. The applicant shall be shown the signs one by one and will be asked to explain the meaning of each or tell what he would do upon reaching each particular sign and why. The applicant must correctly explain the meaning of these signs in order to pass. The results of an oral test should be recorded in the same manner as the written test.

#### *Test for Road Rules:*

**Purpose**—The purpose of the road rules test is to learn if the applicant knows driving rules well enough to permit him to drive safely.

**Scoring**—The following rules will govern the scoring of the written examination required of an applicant for an operator's license, restricted chauffeur's license, school permit, and instruction permit:

(1) The applicant must satisfactorily answer twenty questions out of twenty-five questions submitted to him in order to qualify for an operator's license, school permit or instruction permit.

(2) On road sign tests, the applicant must answer correctly seven out of ten questions submitted to him.

(3) To satisfactorily pass the, chauffeur's license examination, the applicant must correctly answer twenty-three out of thirty questions submitted to him.

Applicants who cannot read or write will be examined orally by the uniformed driver's license examiner taking a set of the standard rules questions and asking the applicant to give the correct answers. Results of such oral examinations will be recorded in the same manner as for written tests.

#### *Road Test Procedures:*

Driving tests will be given whenever the weather permits; however, postponement of such tests will not be made unless absolutely necessary.

#### *Vision Examination:*

All applicants for an operating license will be required to pass a 20-40 vision test. If the applicant cannot score 20-40 vision without glasses and has glasses correcting his vision to 20-40, the license issued shall be restricted to wearing adequate glasses. If his vision score is 20-50 with each individual eye, and the applicant can score 20-40 reading with both eyes, the license shall not be restricted to glasses. If an applicant cannot score 20-40 vision with or without glasses he shall be referred to an eye specialist of his own choosing. If an applicant's vision score is less than 20-100 in one eye, his better eye should score 20-30 with or without glasses. Whenever the vision in the left eye is no better than 20-100, the applicant's license shall be restricted to the use of an outside rear vision mirror on the vehicle which he operates. A vision score of 20-75 or worse shall be considered as a vision failure.

License restrictions based on vision scores shall be substantially in accordance with the following table:

Vision Score	Restrictions Imposed on License
a. 20-40 to 20-50	"TO ADEQUATE GLASSES", when glasses are required to correct to this tolerance.
b. 20-50 to 20-60	"TO ADEQUATE GLASSES", when glasses will correct vision to this tolerance, plus "DAYLIGHT DRIVING ONLY".
c. 20-60 but better than 20-75	"TO ADEQUATE GLASSES", when glasses will correct vision to this tolerance, plus "DAYLIGHT DRIVING ONLY", plus "MAXIMUM SPEED 45 M.P.H."

#### *Instruction Permits:*

The law does not permit driving on Iowa highways without a driver's license, and requires an examination before a license may be issued. An applicant who is unable to pass the required driving examination may be issued an instruction permit, if he successfully passes all other tests required of him. A fee shall be charged for such instruction permit and the applicant may, at any time during the effective period of such permit, return to the driver's license examiner and upon successfully passing the required driving test, and paying the required statutory fee, be issued a regular license.

Adopted and issued July 4, 1953. [Filed July 9, 1953]

#### *Restricted Licenses:*

There are many borderline drivers who cannot be conscientiously approved for unrestricted use of the highways. The following is a partial list of restrictions that may be imposed on any operating license whenever



deemed necessary by the driver's license examiner:

1. Time—some drivers may be restricted to daytime driving only, particularly aged drivers whose vision may be impaired. Other drivers may be restricted only to the times when it is necessary for them to go to and from school. In a few cases an operating license may be restricted to the driver's working hours only.

2. Devices—on driver, such as artificial legs, arms, braces, or other equipment except hearing aids.

3. Adequate Glasses—the most common restriction which simply means that applicant must wear glasses while driving.

4. Type of Vehicle—if the driving examination is taken on a motorcycle, a motor scooter, or other unusual vehicle, the applicant's license will be restricted to the use of that vehicle only, as, for example, "Motorcycle only".

5. Restricted to operation of taxicab or passenger car.

6. Place—restrictions may be imposed on an applicant's license limiting his operation of a motor vehicle to a described route or to a certain community or locality, as, for example, "Restricted to driving within Smithfield city limits only".

When the application of a minor must be signed by the parent, or guardian, any restrictions requested by such parent or guardian will be made by the driver's license examiner. For example, if a parent insists that his child's application be restricted to driving the parent's vehicle, it will be so restricted until such time that the parent requests the restriction to be removed, or until the child becomes old enough to drive without the parent's consent. Such a restriction to a stated vehicle may read, "Restricted to driving vehicle owned by R. C. Smith of Thomasville", or, "Restricted to driving 1939 Plymouth coupe, engine No. 9603214".

Any restriction imposed on an operating license will appear in the space marked "Restriction" if space permits. A lengthy restriction may be placed on the back of the license with the word "OVER" in the restriction box.

#### *Restricted Licenses for Minors:*

Any restricted license issued prior to July 4, 1953, under section 321.194, Code, 1950, as such section existed prior to its repeal on July 4, 1953, by virtue of Senate File 263, Acts of the 55th General Assembly, shall continue valid from and after July 4, 1953, until its holder's sixteenth birthday for the driving purposes permissible under, and subject to all terms, restrictions and conditions of, the substitute restricted license provision enacted by said Senate File 263, Acts of the 55th General Assembly.

Adopted and issued July 4, 1953. [Filed July 9, 1953]

#### *Standards for Bodily Disabilities:*

The following restrictions will be placed on the operating license of an applicant who is unable to pass the required driving test without special equipment or devices:

##### 1. Extremities

A. When both hands and both feet or one hand or one foot are missing or useless. . . . . License will be restricted to use of a vehicle equipped with needed special equipment.

B. When either hand is missing or useless. . . . . License will be restricted to use of artificial arm or to vehicle equipped with a grip knob on wheel and mechanical turn indicator.

C. When either foot is missing or useless. . . . . License will be restricted to use of an artificial foot, or to use of a vehicle equipped with a pedal extension, or a manual brake or clutch.

##### 2. General

A. Joints stiff. . . . . Unrestricted license may be issued at discretion of driver's license examiner.

B. Body or limbs shaky or wobbly. . . . . Unrestricted license may be issued at discretion of driver's license examiner.

C. Strength too small for legal stop. . . . . No license will be issued applicant until special equipment is installed on vehicle to be used, such equipment to be so designed as to aid the person in the process of stopping.

D. Stature too small for legal stop. . . . . No license will be issued applicant until special equipment is installed on vehicle to be used, such equipment to be so designed as to aid the person in the process of stopping.

E. If any special or unusual equipment such as automatic gear shift, manually operated brakes or clutch, extra seat, cushions or power brakes is on the car used in the road demonstration the applicant's license shall be restricted to the use of a vehicle equipped with such special equipment, if needed.

##### 3. Hearing

A. Deaf. . . . . License will be restricted to the use of a vehicle equipped with an outside rear view mirror only if applicant is accident-prone or has a bad driving record.

4. Whenever the department has reason to believe an applicant is physically incompetent, he shall not be licensed until he has been examined by competent medical authority and has been pronounced physically able to drive safely. Such statement must be presented, in writing, to the department. A special examination may be required of applicant before a final decision on the granting or the denial of a license is made by the department.

#### *Mental Disability Standards:*

1. No person who has ever been committed to or has been a patient in any prison, asylum, state hospital, or similar institution, whether public or private, because of insanity, mental diseases, feeble-mindedness, epilepsy, catalepsy, alcoholism, drug addiction, "spells", seizures, or other similar disorders, shall be li-



censed as a motor vehicle driver until he has presented a certificate (or a certified copy thereof) signed by the head of the institution to which he had been committed stating that he has been discharged as cured.

2. Whenever the department has any reason to believe that an applicant for a motor vehicle driver's license is mentally incompetent, or disabled, he shall not be licensed until he has been examined by competent medical authority and pronounced able to drive safely.

3. When statements of restoration-to-competency or discharged-as-permanently-cured are required from institutions, they must be secured in writing by the applicant and supplied to the department signed and attested by the proper officials. The original (or a certified copy) of such court order or certificate must be presented to the driver's license examiner and forwarded to the department of public safety as a permanent part of the application for a motor vehicle driver's license.

#### CHAPTER I

##### Temporary Driver's Permit

**1.1 (321) General.** Any person on first application for a license to operate a motor vehicle, except for a school license, who successfully passes the required written, vision and driving tests, will be issued without charge, a temporary driving permit for a period not to exceed one year, during which time the department will continually review the applicant's driving record in order to complete its investigation and determination of all facts relative to granting of an operator's license to the applicant.

##### **1.2 (321) Invalidation.**

**1.2 General.** This temporary driving permit will be invalidated by the department if the application for license is refused.

**1.2 Specific.** The department will refuse the application of a permit holder who is convicted of any moving traffic violation occurring during the life of the permit.

**1.3 (321) Reapplication.** Such person will be ineligible to reapply for a license to operate a motor vehicle for a period of thirty days after invalidation. Furthermore, the department may require any such person to complete a class of instruction in driver improvement before establishing eligibility to reapply for such license.

**1.4 (321) Extension of Permit.** If the grounds for invalidation occur within six months of issuance, the new temporary driving permit will extend for a period of one year from the date of reissuance; if the grounds for invalidation occur after the sixth month of issuance, the new temporary driving permit will extend for a period of six months from the date of reissuance.

**1.5 (321) Issuance of License.** Any applicant who remains violation free for the life of the temporary driving permit will, upon request, be issued a license to operate a motor vehicle upon payment of the statutory fee. If such

request is not made within thirty days after the expiration of the temporary driving permit, the applicant must again successfully pass the required written and vision tests.

This rule is intended to implement section 321.181.

[Filed September 14, 1964]

#### STORAGE AND HANDLING OF LIQUEFIED PETROLEUM GASES

Promulgated under authority of Chapter 101  
of the Code

[Filed August 21, 1957]

##### Definitions

For the purpose of these rules and regulations the following words will have the meanings respectively assigned to them:

a. Authority having jurisdiction shall mean the state fire marshal of the state of Iowa.

b. The term "liquefied petroleum gases" as used in these rules and regulations shall mean and include any material which is composed predominantly of any of the following hydrocarbons or mixtures of them: Propane, propylene, butanes (normal butane or iso-butane), or butylenes.

c. The term "approved" as used in these rules and regulations shall mean acceptable to the state fire marshal; it means installed in accordance with the standards of the National Fire Protection Association pertaining thereto and, when referring to appliances, means tested and found suitable for installation and use.

d. The term "shall" as used in these rules and regulations is intended to indicate requirements.

##### Application of Rules

a. The following standards are intended to apply to the design, construction, location, and operation of liquefied petroleum gas installations. These standards do not apply to marine or pipeline terminals, natural gasoline plants, refineries or tank farms; nor do they apply to chemical plants where specific approval of construction and installation plans is obtained from the state fire marshal provided such approval is based on substantially equivalent requirements. LP-Gas refrigerated storage systems are not covered by these standards.

b. "Basic Rules" apply to all divisions except division V, and unless noted in "Basic Rules."

c. Division I—"bottled gas"—applies to installations utilizing containers constructed in accordance with interstate commerce commission specifications.

d. Division II applies to installations utilizing containers other than those constructed in accordance with interstate commerce commission specifications.

e. Division III applies to containers and pertinent equipment mounted on trucks, semi-trailers and trailers used for the transportation of liquefied petroleum gases.

f. Division IV applies to fuel containers for the use of liquefied petroleum gases as motor fuel; or with easily movable, readily portable

or self-propelled internal combustion engines (i.e., highway vehicles, trucks, buses, tractors, automobiles, etc.; farm machinery, construction and miscellaneous machinery; industrial plant tractors, locomotives, similar mobile or semimobile units; etc.)

g. Division V applies to the storage of containers not installed for use at final utilization point.

h. Division VI applies to cylinder systems for cooking and heating installations on highway mobile vehicles.

i. Division VII applies to liquefied petroleum gas service stations where fuel is dispensed into containers of self-propelled internal combustion engines complying with provisions of Division IV.

j. Division VIII applies to liquefied petroleum gas piping and liquefied petroleum gas appliances in buildings.

k. When reference is made to gas in these standards, it shall refer to liquefied petroleum gases in either the liquid or gaseous state.

l. The term "containers" includes all vessels such as tanks, cylinders or drums used for transportation or storing liquefied petroleum gases.

m. The term "container assembly" as used in these standards refers to an assembly consisting essentially of the container and fittings for all container openings including shut-off valves, excess flow valves, liquid level gauging devices, safety relief devices and protective housings.

n. The term "systems" as used in these standards refers to an assembly of equipment consisting essentially of the container or containers, major devices such as vaporizers, relief valves, excess flow valves, regulators, etc., and piping connecting such parts.

o. The abbreviations "p.s.i.g." and "p.s.i.a.," as used in these standards refer to pounds per square inch gauge and pounds per square inch absolute, respectively.

p. The abbreviation ICC refers to interstate commerce commission.

#### Nonretroactivity

Liquefied petroleum gas facilities in service prior to the effective date of these regulations and not in strict conformity therewith may be continued in service unless the nonconformity is such as to constitute a distinct hazard to life or adjoining property.

#### Modification

The state fire marshal shall grant exemption from requirements of these regulations upon request, in writing for such exemption, when such request shows that application of the requirement is impractical or would cause unnecessary hardship to the petitioner, provided that such exemption shall not be granted if it would constitute a distinct hazard to life or adjoining property.

#### Submittal of Plans

For industrial installations utilizing storage

containers of over two thousand gallons water capacity, plans shall be submitted to the state fire marshal before construction.

Plans shall also be submitted to the state fire marshal for bulk storage plants, container charging plants and tank farms for his approval.

If the proposed installation is to be located within a local jurisdiction which requires that a local permit be first obtained, the plans shall be submitted to the appropriate local official or body with the request for approval and then except in case of dispute need not be submitted to the state fire marshal. The local official or body shall base their approval on compliance with the applicable requirements of this code. In the event of dispute as to whether or not the plans show conformity with the applicable requirements of this code, the plans shall forthwith be submitted to the state fire marshal whose decision in the matter shall be controlling.

#### BASIC RULES

##### B.1—Odorizing Gases.

a. All liquefied petroleum gases shall be effectively odorized by an approved agent of such character as to indicate positively, by a distinctive odor, the presence of gas down to concentration in air of not over one-fifth the lower limit of flammability. Odorization, however, is not required if harmful in the use or further processing of the liquefied petroleum gas, or if odorization will serve no useful purpose as a warning agent in such use or further processing.

b. The odorization requirement of B.1 "a" shall be considered to be met by the use of 1.0 pounds of ethyl mercaptan, 1.0 pounds of thiophane or 1.4 pounds of amyl mercaptan per 10,000 gallons of LP-Gas. However, this listing of odorants and quantities shall not exclude the use of other odorants that meet the odorization requirement of B.1 "a".

##### B.2—Approval of Equipment and Systems.

a. Each system utilizing ICC containers shall have their container valves, connectors, manifold valve assemblies, and regulators (bases, hoods or cabinets if desired):

1. Tested and listed by Underwriters' Laboratories, Inc., or

2. Tested and listed by a nationally recognized testing laboratory, or

3. Inspected and approved by the state fire marshal.

b. Each system for domestic or commercial use utilizing containers of two thousand gallons or less water capacity, other than those constructed in accordance with ICC specifications, shall consist of a container assembly and one or more regulators, and may include other parts. The system as a unit or the container assembly as a unit, and the regulator or regulators, shall be individually:

1. Tested and listed by Underwriters' Laboratories, Inc., or

2. Tested and listed by a nationally recognized testing laboratory, or

3. Inspected and approved by the state fire marshal.

c. In systems utilizing containers of over two thousand gallons water capacity, each regulator, container valve, excess flow valve, gauging device and relief valve installed on or at the container, shall have its correctness as to design, construction, and performance determined by:

1. Testing and listing by Underwriters' Laboratories, Inc., or
2. Testing and listing by a nationally recognized testing laboratory, or
3. Inspected and approved by the state fire marshal.

### B.3—Requirement for Construction and Original Test of Containers.

a. Containers used with systems embodied in Divisions II, III, IV, VI and VII, except as provided in 4.2 "d", and 6.1 "a", shall be designed, constructed and tested in accordance with the Unfired Pressure Vessel Code sponsored by either the American Society of Mechanical Engineers (ASME) or the American Petroleum Institute and the American Society of Mechanical Engineers (API-ASME) or in accordance with the rules of the State of Iowa, provided such rules are in substantial conformity with the rules of the ASME Code or the API-ASME Code.

1. Containers constructed according to the 1949 and earlier editions of the ASME Code do not have to comply with paragraphs U-2 to U-10 inclusive and U-19. Containers constructed according to paragraph U-70 in the 1949 and earlier editions are not authorized.

2. Containers constructed according to API-ASME Code do not have to comply with section 1 or with appendix to section 1. Paragraphs W-601 to W-606 inclusive in the 1943 and earlier editions do not apply.

b. The provisions of paragraph B.3 "a" shall not be construed as prohibiting the continued use or reinstallation of containers constructed and maintained in accordance with the standards established by the National Fire Protection Association for the Storage and Handling of Liquefied Petroleum Gases in effect at the time of fabrication.

c. Containers used with systems embodied in division I in paragraph 4.2 "d" of division IV, and in division VI, except as provided in 6.1 "b", shall be constructed, tested and stamped in accordance with interstate commerce commission specifications effective at the date of their manufacture.

### B.4—Welding on Containers.

a. Welding to the shell, head, or any other part of the container subject to internal pressure, shall be done in compliance with the code under which the tank was fabricated. Other welding is permitted only on saddle plates, lugs or brackets attached to the container by the tank manufacturer.

b. Where repair or modification involving welding of ICC containers is required, the con-

tainer shall be returned to a qualified manufacturer making containers of the same type, and the repair or modification made in compliance with ICC regulations.

### B.5—Markings on Containers.

a. Each container or system covered in Divisions II, III, and IV, except as provided in paragraph 4.2 "d" and VII shall be marked as specified in the following:

1. With a marking identifying compliance with, and other markings required by the rules of the code under which the container is constructed; or with the stamp and other markings required by the National Board of Boiler and Pressure Vessel Inspectors.

Underground: Container and system nameplate.

Aboveground: Container.

2. With notation as to whether system is designed for underground or aboveground installation.

Underground and aboveground: System nameplate.

3. With the name and address of the supplier of the system, or the trade name of the system.

Underground and aboveground: System nameplate.

4. With the water capacity of the container in pounds or gallons, U. S. Standard.

Underground: Container and system nameplate.

Aboveground: Container.

5. With the working pressure in pounds per sq. in. for which the container is designed.

Underground: Container and system nameplate.

Aboveground: Container.

6. With the wording "This container shall not contain a product having a vapor pressure in excess of P.S.I. gauge at one hundred degrees F." See B.14 "f".

Underground and aboveground: System nameplate or tag on filler connection.

7. With the tare weight in pounds or other identified unit of weight for containers with a water capacity of three hundred lbs. or less.

Underground: No requirement.

Aboveground: Container.

8. With marking indicating the maximum level to which the container may be filled with liquid at temperatures between twenty degrees F. and one hundred thirty degrees F. except on containers provided with fixed maximum level indicators, or which are filled by weighing. Markings shall be increments of not more than twenty degrees F.

Aboveground and underground: System nameplate or on liquid level gauging device.

9. With the overall length and outside diameter of the container in inches.

Underground: System nameplate.

Aboveground: No requirement.

b. Markings specified on "container" shall

be on the container itself. Markings specified on "system nameplate" shall be on a metal tag or nameplate attached to the system, located in such a manner as to be readily visible.

**B.6—Location of Containers and Regulating Equipment.**

a. Containers and first stage regulating equipment shall be located outside of buildings other than buildings especially provided for this purpose, except small ICC containers and regulating equipment may be used indoors under the following conditions:

1. If temporarily used for demonstration purposes and the container has a maximum water capacity of twelve pounds.
2. If used with a completely self-contained gas hand torch or similar equipment, and the container has a maximum water capacity of two and one-half pounds.
3. As provided in division V.

b. Each individual container shall be located with respect to the nearest important building or group of buildings or line of adjoining property which may be built on in accordance with the following table. An important building in heavily populated or congested areas shall be any structure having a total of at least two hundred square feet of floor area; or any structure, regardless of floor area or location, which is designed or used for human habitation or occupancy. [Amended January 15, 1960]

Water Capacity Per Container	Minimum Distances		
	Under-ground Containers	Above-ground Containers	Bet. Above-ground containers
Less than 125 gals.	.10 feet	None	None
125 to 500 gals. . . .	10 feet	10 feet	3 feet
501 to 2,000 gals. . . .	25 feet	25 feet	3 feet
Over 2,000 gals. . . .	50 feet	50 feet	5 feet

Provided, however, the above distance requirements may be reduced to not less than ten feet for a single container of one thousand two hundred gallons water capacity or less providing such a container is at least twenty-five feet from any other liquefied petroleum gas container of more than one hundred twenty-five gallons water capacity. Installation of containers for churches, schools, hotels, theaters, amphitheaters, hospitals, nursing homes, custodial homes, boarding houses, rest homes, dormitories, college buildings, lodge halls, club rooms, public meeting places, places of amusement and other buildings in which persons congregate from time to time whether publicly or privately owned shall conform with the distance table above. [Amended January 15, 1960]

c. No containers while installed for use shall be stacked one above the other.

d. In cases of bulk storage in heavily populated or congested areas, the state fire marshal shall determine restrictions of individual tank capacity, total storage, and distance to line of adjoining property which may be built on and other reasonable protective methods.

e. In industrial installations involving containers of one hundred fifty thousand gallons aggregate capacity or more, where serious

mutual exposures between the container and adjacent properties prevail, the state fire marshal may require fire walls designed and constructed in accordance with good engineering practice.

f. In the case of buildings devoted exclusively to gas manufacturing and distributing operations the above distances may be reduced provided that in no case shall containers of capacity exceeding five hundred gallons be located closer than ten feet to such gas manufacturing and distributing buildings.

g. Any container used in domestic or commercial service, where transfer of liquid is made from such containers into portable containers such as on tractors, skid tanks, or similar applications shall be located not less than fifty feet from nearest important building. Special attention shall be given to maintaining the above distances on such transferring in trailer camps with respect to any trailer, except as provided in paragraph 6.12.

h. Readily ignitable material such as weeds and long dry grass shall be removed within ten feet of any container.

i. The minimum separation between liquefied petroleum gas containers and flammable liquid tanks shall be twenty feet, and the minimum separation between a container and the center line of the dike shall be ten feet. The foregoing provisions shall not apply when LP-Gas containers of one hundred twenty-five gallons or less capacity are installed adjacent to Class III flammable liquid tanks of two hundred seventy-five gallons or less capacity.

j. Suitable means shall be taken to prevent the accumulation of flammable liquids under adjacent liquefied petroleum gas containers, such as by diking, diversion curbs or grading.

k. When dikes are used with flammable liquid tanks, no liquefied petroleum gas containers shall be located within the diked area.

l. Containers connected for service shall not be located on any public sidewalk, street or thoroughfare in any city, town or village. [Amended January 15, 1960]

**B.7—Container Valves and Accessories.**

a. All valves, fittings and accessories connected directly to the container including primary shut-off valves, shall have a rated working pressure of at least two hundred fifty p.s.i.g. and shall be of material and design suitable for LP-Gas service. Cast iron shall not be used for container valves, fittings, and accessories. This does not prohibit the use of container valves made of malleable or nodular iron.

b. All connections to containers, except safety relief connections, liquid level gauging devices and plugged openings shall have shut-off valves located as close to the container as practicable [except as provided in B.7 "e"].

c. Excess flow valves where required by these standards shall close automatically at the rated flows of vapor or liquid as specified by the manufacturer. The connections or line including valves, fittings, etc., being protected

by an excess flow valve shall have a greater capacity than the rated flow of the excess flow valve.

*d.* Liquid level gauging devices which are so constructed that outward flow of container contents shall not exceed that passed by a No. 54 drill size opening, need not be equipped with excess flow valves.

*e.* Openings from tank or through fittings attached directly on tank to which pressure gauge connection is made need not be equipped with shut-off or excess flow valves if such openings are restricted to not larger than No. 54 drill size opening.

*f.* Excess flow and back pressure check valves where required by these standards shall be located inside of the container or at a point outside where the line enters the container; in the latter case, installation shall be made in such manner that any undue strain beyond the excess flow or back pressure check valve will not cause breakage between the container and such valve. (See Div. III for tank truck requirements.)

*g.* Excess flow valves shall be designed with a by-pass, not to exceed a No. 60 drill size opening to allow equalization of pressures.

#### **B.8—Piping, Tubing, and Fittings.**

*a.* Piping, except as provided in Division IV, paragraph 4.5“a” and Division VI, paragraph 6.9“c”, shall be wrought iron or steel (black or galvanized), brass or copper pipe; or seamless copper, brass, steel or aluminum tubing. All piping or tubing shall be suitable for a working pressure of not less than one hundred twenty-five pounds per square inch. Copper tubing may be of the standard grade K. or L., or equivalent having a minimum wall thickness of 0.032 inches. Aluminum tubing shall not be used in exterior locations or where it is in contact with masonry or plaster walls or insulation.

*b.* In systems where the gas in liquid form without pressure reduction enters the building [see B. 13“a”] only heavy walled seamless brass or copper tubing with an internal diameter not greater than three thirty seconds of an inch, and wall thickness of not less than three sixty-fourth of an inch shall be used. This requirement shall not apply to research and experimental laboratories, buildings or separate fire divisions of buildings used exclusively for housing internal combustion engines, and to commercial gas plants or bulk stations where containers are changed nor to industrial vaporizer buildings.

*c.* Pipe joints may be screwed, flanged, welded, soldered or brazed with a material having a melting point exceeding one thousand degrees F. Joints on seamless copper, brass, steel or non-ferrous gas tubing shall be made by means of approved gas tubing fittings, soldered or brazed with a material having a melting point exceeding one thousand degrees F.

*d.* For operating pressures of one hundred twenty-five p.s.i.g. or less, fittings shall be de-

signed for a pressure of at least one hundred twenty-five p.s.i.g. For operating pressures above one hundred twenty-five p.s.i.g., fittings shall be designed for a minimum of two hundred fifty p.s.i.g.

*e.* The use of threaded cast iron pipe fittings such as ells, tees, crosses, couplings and unions is prohibited.

*f.* Strainers, regulators, meters, compressors, pumps, etc. are not to be considered as pipe fittings. This does not prohibit the use of malleable, nodular or higher strength gray iron for such equipment.

*g.* All material such as valve seats, packing gaskets, diaphragms, etc., shall be of such quality as to be resistant to the action of liquefied petroleum gas under the service conditions to which they are subjected.

*h.* Approved flexible hose may be used on the low pressure side of the system as follows:

1. Only appliances which are necessarily portable or which have to be moved from place to place or which require a vibration joint, may be connected with flexible hose. On such appliances the shut-off shall be in the solid connection or piping only, and not at the appliance end of the hose; industrial equipment is exempt from this provision.

2. Only approved hose of proper design and good quality shall be used, and it shall be securely attached to each end.

3. The key of the shut-off on an independent connection shall not be within six inches of the key of any other shut-off. In such an installation the keys shall be in directions perpendicular to each other so that the possibility of the accidental turning on of the gas at the wrong shut-off will be lessened.

4. Where flexible hose is used, a shut-off shall not be placed close to the floor or in any other position where it may be turned on by accident.

5. A wall outlet to which an appliance is to be connected with flexible hose shall be so placed as to reduce to a minimum the passing to and fro across the hose. Where flexible hose is used, it shall be of the minimum practicable length. Extending hose from one room to another is prohibited.

6. Where an appliance, such as a gas iron for industrial work, is always used in the same location, but its operation demands a flexible hose, the flexible hose shall be permanently attached at the supply end by a threaded or other secure metal connection, and the appliance end shall be provided with a secure metal joint, which can be conveniently made and separated, in preference to a rubber slip end.

7. Where the hose is likely to be subjected to excessive temperatures, either through accident or because of the special nature of the appliance, only hose properly protected or made up of noncombustible material shall be used.

*i.* All piping, tubing, or hose shall be tested after assembly and proved free from leaks

at not less than normal operating pressures. After installation piping and tubing of all domestic and commercial systems shall be tested and proved free of leaks using a manometer or equivalent device that will indicate a drop in pressure. Test shall not be made with a flame.

j. Provision shall be made for expansion, contraction, jarring and vibration and for settling. This may be accomplished by flexible connections.

k. Piping outside buildings may be buried, above ground, or both, but shall be well supported and protected against physical damage. Where soil conditions warrant, all piping shall be protected against corrosion. Where condensation may occur, the piping shall be pitched back to the container, or suitable means shall be provided for revaporization of the condensate.

**B.9—Hose Specifications.**

a. Hose shall be fabricated of materials that are resistant to the action of liquefied petroleum gases in the liquid phase.

Hose subject to container pressure shall be marked LP-Gas or LPG at not greater than ten foot intervals. [Filed June 22, 1962]

b. Hose subject to container pressure shall be designed for a bursting pressure of not less than five times the vapor pressure of the product at one hundred degrees F. for which the container was designed. Hose connections when made shall be capable of withstanding a test pressure of twice the vapor pressure of the product at one hundred degrees F. for which the container is designed.

c. Hose and hose connections located on the low pressure side of regulators or reducing valves shall be designed for a bursting pressure of not less than one hundred twenty-five lbs. but not less than five times the pressure setting of the safety relief devices protecting that portion of the system. All connections shall be so designed that there will be no leakage when connected.

d. Where hose is to be used for transferring liquids from one container to another wet hose is recommended. Such hose shall be equipped with suitable shut-off valves at discharge end. Provision shall be made to prevent excessive hydrostatic pressure in the hose.

e. Hose subject to container pressure shall have its correctness to design, construction and performance determined by the authorities listed in basic rule B.2.

f. The appliances connected with hose shall be portable and need a flexible connection. The shut-off valve for an appliance connected by hose shall be in the metal pipe or tubing and not at the appliance end of the hose. When shut-off valves are installed close to each other, precautions shall be taken to prevent operation of the wrong valve.

g. Hose shall not extend from one room to another nor pass through any walls, partitions, ceilings or floors. The hose shall not be con-

nected from view or used in concealed locations. [Filed June 22, 1962]

**B.10—Safety Devices.**

a. Every container except those constructed in accordance with ICC specifications and every vaporizer [except motor fuel vaporizers and except vaporizers described in B.11 "b" (3) and 2.3 "e" (1)] whether heated by artificial means or not, shall be provided with one or more safety relief valves of spring-loaded or equivalent type. These valves shall be arranged to afford free vent to the outer air with discharge not less than five feet horizontally away from any opening into the building which is below such discharge.

b. Container and vaporizer safety relief valves shall be set to start to discharge as follows, with relation to the design working pressure of the containers:

Containers	Minimum	Maximum
ASME Code; Par. U-68, U-69—		
1949 and earlier editions ...	110%	125%
ASME Code; Par. U-200, U-201—		
1949 edition .....	88	100
ASME Code—1950, 1952 and		
1956 editions .....	88	100
API-ASME Code—All		
editions .....	88	100
ICC.....	As approved by Bureau of Explosives	

c. Safety relief devices used with systems employing containers other than those constructed according to ICC specifications shall be so constructed as to discharge at not less than the rates shown in Appendix A.

d. In certain locations sufficiently sustained high temperatures prevail which will require the use of a lower vapor pressure product to be stored or the use of a higher designed pressure vessel in order to prevent the safety valves opening as the result of these temperatures. As an alternative the tanks may be protected by cooling devices such as by spraying, by shading or other effective means.

e. Safety relief valves shall be so arranged that the possibility of tampering will be minimized; if pressure setting or adjustment is external, the relief valves shall be provided with approved means for sealing adjustment.

f. No shut-off valves shall be installed between the safety relief valves and the container except that a shut-off valve may be used where the arrangement of this valve is such as always to afford full required capacity flow through the relief valves.

g. Safety relief valves shall have direct communication with the vapor space of the container.

h. Each container safety relief valve used with systems covered by Divisions II, III, IV, VI and VII except as provided in 4.2 "d" and 6.1 "a" shall be plainly and permanently marked with the following: "Container Type" of the pressure vessel on which the valve is designed to be installed; the pressure in p.s.i. gauge at which the valve is set to start

to discharge; the actual rate of discharge of the valve in cubic feet per minute of air at sixty degrees F. and fourteen and seven-tenths of pounds per square inch, absolute; and the manufacturer's name and catalogue number.

i. Safety relief valve assemblies, including their connections, shall be of sufficient size so as to provide the rate of flow required for the container on which they are installed.

j. A safety relief valve shall be installed between each pair of shut-off valves on LP-Gas liquid piping so as to relieve into a safe atmosphere. The start-to-discharge pressure setting of such relief valve shall not be in excess of five hundred p.s.i.g. The minimum setting on relief valves installed in piping connected to other than ICC containers shall not be lower than one hundred forty percent of the container relief valve setting and in piping connected to ICC containers not lower than four hundred p.s.i.g.

k. Discharge from safety relief device of a stationary container shall not terminate in any building, except relief devices on containers covered by B.6 "a", (1, 2 and 3); nor beneath any building.

#### **B.11—Vaporizer and Housing.**

a. Indirect fired vaporizers utilizing steam, water or other heated medium shall be constructed and installed as follows:

1. Vaporizers shall be constructed in accordance with the requirements of the ASME Unfired Pressure Vessel Code or API-ASME Unfired Pressure Vessel Code and shall be permanently marked as follows:

With the code marking signifying the specifications to which vaporizer is constructed.

With the allowable working pressure and temperature for which the vaporizer is designed.

With the sum of the outside surface area and the inside heat exchange surface area expressed in square feet. (See Appendix B)

With the name or symbol of the manufacturer.

2. Vaporizers having an inside diameter of six inches or less which are exempted by paragraph U-1 (a) of the 1949 and earlier editions and paragraph U-1 "d" of the 1950 edition of the ASME Unfired Pressure Vessel Code shall have a design working pressure of not less than two hundred fifty p.s.i. gauge and need not be permanently marked.

3. Heating or cooling coils shall not be installed inside a storage container.

4. Vaporizers may be installed in buildings, rooms, sheds, or lean-tos used exclusively for gas manufacturing or distribution, or in other structures of light, noncombustible construction or equivalent, well ventilated near the floor line and roof.

5. Vaporizers shall have at or near the discharge, a safety relief valve providing an effective rate of discharge in accordance with Appendix B, except as provided in section 2.3 "e" (1).

6. Vaporizers shall be provided with suitable automatic means to prevent liquid passing from the vaporizers to the gas discharge piping.

7. The device that supplies the necessary heat for producing steam, hot water, or other heating medium may be installed in a building, compartment, room or lean-to which shall be ventilated near the floor line and roof to the outside. This device location shall be separated from all compartments or rooms containing liquefied petroleum gas vaporizers, pumps and central gas mixing devices by a wall of substantially fire-resistant material and vapor tight construction. This requirement does not apply to the domestic water heaters which may supply heat for a vaporizer in a domestic system.

8. Gas-fired heating systems supplying heat exclusively for vaporization purposes shall be equipped with automatic safety devices to shut off the flow of gas to main burners, if pilot light should fail.

9. Vaporizers may be an integral part of a fuel storage container directly connected to the liquid section or gas section or both.

10. Vaporizers shall not be equipped with fusible plugs.

11. Vaporizer houses shall not have unprotected drains to sewers or sump pits.

b. Atmospheric vaporizers employing heat from the ground or surrounding air shall be installed as follows:

1. Buried underground, or

2. Located inside building close to a point at which pipe enters the building provided capacity of unit does not exceed one quart.

3. Vaporizers of less than one quart capacity heated by the ground or surrounding air, need not be equipped with safety relief valves provided that adequate tests certified by any of the authorities listed in B.2 demonstrate that the assembly is safe without safety relief valves.

4. Vaporizers designed primarily for domestic service shall be protected against tampering and physical damage.

c. Direct gas-fired vaporizers shall be constructed, marked, and installed as follows:

1. a. With the requirements of the ASME Code that are applicable to the maximum working conditions for which the vaporizer is designed. (See section B.3.)

b. With the name of the manufacturer; rated B.t.u. input to the burner, the area of the heat exchange surface in square feet; the outside surface of the vaporizer in square feet; and the maximum vaporizing capacity in gallons per hour.

2. a. Vaporizers may be connected to the liquid section or the gas section of the storage container, or both; but in any case there shall be at the container a manually-operated valve in each connection to permit completely shutting off, when desired, of all flow of gas or liquid from container to vaporizer.



b. Vaporizers with capacity not exceeding thirty-five gallons per hour shall be located at least five feet from container shut-off valves. Vaporizers having capacity of more than thirty-five gallons but not exceeding one hundred gallons per hour shall be located at least ten feet from the container shut-off valves. Vaporizers having a capacity greater than one hundred gallons per hour shall be located at least fifteen feet from container shut-off valves.

3. Vaporizers may be installed in buildings, rooms, housings, sheds, or lean-tos used exclusively for gas manufacturing or distribution. Such structures shall be of noncombustible construction or equivalent, and well ventilated near the floor line and roof. See section B.10 "a" for venting of relief valves.

4. Vaporizers shall have at or near the discharge, a safety relief valve providing an effective rate of discharge in accordance with Appendix B. Relief valve shall be so located as not to be subjected to temperatures in excess of one hundred forty degrees F.

5. Vaporizers shall be provided with suitable automatic means to prevent liquid passing from the vaporizer to the gas discharge piping of the vaporizer.

6. Vaporizers shall be provided with means for manually turning off the gas to the main burner and pilot.

7. Vaporizers shall be equipped with automatic safety devices to shut off the flow of gas to main burners if pilot light should fail. When flow through pilot exceeds two thousand B.t.u. per hour, the pilot also shall be equipped with automatic safety device to shut off the flow of gas to the pilot should the pilot flame be extinguished.

8. Pressure regulating and pressure reducing equipment if located within ten feet of a direct fired vaporizer shall be separated from the open flame by a substantially air-tight noncombustible partition or partitions.

9. Except as provided in section B.11 "c" 3 the following minimum distances shall be maintained between direct fired vaporizers and nearest important buildings or group of buildings or line of adjoining property which may be built upon:

Ten feet for vaporizers having a capacity of fifteen gallons per hour or less vaporizing capacity.

Twenty-five feet for vaporizers having a vaporizing capacity of sixteen to one hundred gallons per hour.

Fifty feet for vaporizers having a vaporizing capacity exceeding one hundred gallons per hour.

10. No direct fired vaporizer shall raise the product pressure within the storage container over the pressure set out in the second column of table in section 2.1 "a."

11. No direct fired vaporizer shall be connected to a container that has a storage capacity in gallons, less than ten times the hourly capacity of the vaporizer in gallons.

12. Vaporizers shall not be provided with fusible plugs.

13. Vaporizer shall not have unprotected drains to sewers or sump pits.

d. Direct gas-fired tank heaters shall be constructed and installed as follows:

1. Direct gas-fired tank heaters, and tanks to which they are applied, shall only be installed above ground.

2. Tank heaters shall be permanently marked with the name of the manufacturer, the rated B.t.u. input to the burner, and the maximum vaporizing capacity in gallons per hour.

3. Tank heaters may be an integral part of a fuel storage container directly connected to the container liquid section, or vapor section, or both.

4. Tank heaters shall be provided with a means for manually turning off the gas to the main burner and pilot.

5. Tank heaters shall be equipped with an automatic safety device to shut off the flow of gas to main burners, if pilot light should fail. When flow through pilot exceeds two thousand B.t.u. per hour, the pilot also shall be equipped with automatic safety device to shut off the flow of gas to the pilot should the pilot flame be extinguished.

6. Pressure regulating and pressure reducing equipment if located within ten feet of a direct fired tank heater shall be separated from the open flame by a substantially air-tight noncombustible partition.

7. The following minimum distances shall be maintained between a storage tank heated by a direct fired tank heater and nearest important building or group of buildings or line of adjoining property which may be built upon:

Ten feet for storage containers of less than five hundred gallons capacity.

Twenty-five feet for storage containers of five hundred to twelve hundred gallons capacity.

Fifty feet for storage containers of over twelve hundred gallons capacity.

8. No direct fired tank heater shall raise the product pressure within the storage container over seventy-five percent of the pressure set out in the second column of the table of section 2.1 "a".

9. No direct fired tank heater shall be connected to a container that has a storage capacity, in gallons, less than ten times the hourly vaporizing capacity of the tank heater in gallons.

e. The vaporizer section of vaporizer-burners used for dehydrators or driers shall be located outside the buildings. They shall be constructed and installed as follows:

1. Vaporizer-burners shall have a minimum design pressure of two hundred fifty p.s.i.g. with a factor of safety of five.

2. Manually operated positive shut-off valves shall be located at the containers to shut off all flow to the vaporizer-burners.

3. Minimum distances between storage containers and vaporizer-burners shall be as follows:



Water Capacity Per Container	Minimum Distances	.585-.592	52	55	56
Less than 501 gallons	10 feet	.593-.600	53	56	57
501 to 2,000 gallons	25 feet	.601-.608	54	57	58
Over 2,000 gallons	50 feet	.609-.617	55	58	59
		.618-.626	56	59	60
		.627-.634	57	60	61

4. The vaporizer section of vaporizer-burners shall be protected by a hydrostatic relief valve. (See B.10 "j".) The relief valve shall be located so as not to be subjected to temperatures in excess of one hundred forty degrees F. The discharge of the relief valve shall be directed away from component parts of the equipment and operating personnel.

5. Vaporizer-burners shall be provided with means for manually turning off the gas to the main burner and pilot.

6. Vaporizer-burners shall be equipped with automatic safety devices to shut off the flow of gas to the main burner and pilot in the event the pilot is extinguished.

7. Pressure regulating and control equipment shall be located so that the temperatures surrounding this equipment shall not exceed one hundred forty degrees F. If necessary, the equipment shall be separated from the open flame by a noncombustible partition.

8. Pressure regulating and control equipment when located downstream of the vaporizer shall be designed to withstand the maximum discharge temperature of the vapor.

9. The vaporizer section of vaporizer-burners shall not be provided with fusible plugs.

10. Vaporizer coils or jackets shall be made of ferrous metal or high temperature alloys.

11. Equipment utilizing vaporizer-burners shall be equipped with automatic shut-off devices upstream and downstream of the vaporizer section connected so as to operate in the event of excessive temperature, flame failure and, if applicable, insufficient air flow. [Filed June 22, 1962]

**B.12—Filling Densities.**

a. The "filling density" is defined as the percent ratio of the weight of the gas in a container to the weight of water the container will hold at sixty degrees F. All containers shall be filled according to the following filling densities.

**MAXIMUM PERMITTED FILLING DENSITY**

Specific Gravity at 60°	Aboveground Containers		Underground
	0 to 1,200	Over 1,200	Containers
	Gals. Total	Gals. Total	All
	Water Cap.	Water Cap.	Capacities
.473-.480	38%	41%	42%
.481-.488	39	42	43
.489-.495	40	43	44
.496-.503	41	44	45
.504-.510	42	45	46
.511-.519	43	46	47
.520-.527	44	47	48
.528-.536	45	48	49
.537-.544	46	49	50
.545-.552	47	50	51
.553-.560	48	51	52
.561-.568	49	52	53
.569-.576	50	53	54
.577-.584	51	54	55

b. The maximum liquid volume in percent of the total container capacity may be determined for LP-Gases at any liquid temperature by using the formula shown in Appendix C.

c. The maximum liquid volume in percent of total container capacity shown in Appendix E may be used in lieu of the preceding Table B.12 "a" to determine the maximum quantity that may be placed in a container.

d. Any container including mobile cargo tanks and portable tank containers regardless of size or construction, shipped under ICC jurisdiction or constructed in accordance with ICC Specifications shall be filled according to ICC Requirements. Portable containers which are not subject to ICC jurisdiction, when used as motor fuel tanks on industrial trucks (including lift trucks) or farm tractors covered in Division IV, may be filled either by weight or liquid level gauging device of the fixed length dip tube type.

**B.13—Liquid Inside Building.**

a. No gas in the liquid phase shall be piped into any building for fuel purposes except:

1. Buildings devoted exclusively to housing equipment for vaporization, pressure reduction, gas mixing, gas manufacturing or distribution.

2. Buildings housing internal combustion engines.

3. In domestic installations no liquid or gas shall be piped into a building at more than twenty p.s.i. gauge pressure. The initial pressure reducing devices shall be installed outside the building. No LP-Gas in the liquid phase shall be piped into any domestic building (one or two family dwellings). In all cases where gas pressures exceeding eighteen ounces are necessary in domestic buildings (one or two family dwellings) approval for installation must be obtained from the authority having jurisdiction.

4. Buildings, or in separate fire divisions of buildings, used exclusively for research and experimental laboratories.

**B.14—Transfer of Liquids.**

a. At least one attendant shall remain close to the transfer connection from the time the connections are first made until they are finally disconnected, during the transfer of product.

b. Containers shall be filled or used only upon authorization of the owner.

Portable containers for domestic service larger than twenty pounds shall not be transported in a passenger vehicle. [Amended January 15, 1960]

c. Containers manufactured in accordance with specifications of ICC and authorized by ICC Regulations as a "single trip" or "non-

refillable container" shall not be refilled or reused in LP-Gas service.

d. Gas or liquid shall not be vented to the atmosphere to assist in transferring contents of one container to another [except as provided in 4.4 "d"].

e. Fuel supply containers shall be gauged and charged only in the open air or in buildings especially provided for that purpose.

f. The maximum vapor pressure of the product at one hundred degrees F. which may be transferred into a container shall be in accordance with sections 2.1, 3.1, and 4.2 (for ICC containers use ICC requirements).

g. Marketers and users shall exercise precaution to assure that only those gases for which the system is designed, examined, and listed, are employed in its operation, particularly with regard to pressures.

h. Pumps or compressors shall be designed for use with LP-Gas. When compressors are used they shall normally take suction from the vapor space of the container being filled and discharge to the vapor space of the container being emptied. When low temperatures so reduce the vapor pressure that the compressor will not function satisfactorily, the compressor may take suction directly from the air and discharge through a suitable moisture removing medium to the container being emptied.

i. Portable liquefied petroleum gas containers shall be filled only at a place specifically designed and permanently constructed for the purpose and approved by the state fire marshal (unless the containers are to be used by the person or firm filling them). A portable container is any container designed or intended for periodic and regular exchange by or on behalf of the consumer and shall not include any container designed and intended for permanent installation on consumer's premises or designed or intended for periodic refilling thereon by tank truck.

j. Portable containers containing liquefied petroleum gas transported in trucks shall be securely held in position to prevent movement, tipping over or physical damage. [Amended January 15, 1960]

k. Air moving equipment including crop driers and dehydrators shall be shut down when the supply containers are being filled unless the air intakes and sources of ignition are located fifty feet or more from the container.

l. Agricultural equipment having open flames and agricultural equipment having integral containers such as flame cultivators, weed burners and tractors shall be shut down during refueling. [Amended June 22, 1962]

#### **B.15—Tank Car or Transport Truck Unloading Points and Operations.**

a. The track of tank car siding shall be relatively level.

b. A TANK CAR CONNECTED sign, as covered by ICC rules, shall be installed at the active end or ends of the siding while the tank car is connected for unloading.

c. While cars are on sidetrack for unloading, the wheels at both ends shall be blocked on the rails.

d. A man shall be in attendance at all times while the tank car, cars or trucks are being unloaded.

e. The pipeline to which the unloading hoses are connected shall be equipped with a back flow check valve to prevent discharge of the LP-Gas from the receiving container and line in case of line hose and fittings rupture.

f. The tank car or transport truck unloading point should be located with due consideration to the following:

1. Proximity to railroads and highway traffic.
2. The distance of such unloading point from adjacent property.
3. With respect to buildings on installer's property.
4. Nature of occupancy.
5. Topography.
6. Type of construction of buildings.
7. Number of tank cars or transport trucks that may be safely unloaded at one time.
8. Frequency of unloading.

g. Where practical, the distance of the unloading point should conform to the distances in B.6 "b", except that lesser distances may be used, keeping in mind the above items and upon approval of the authority having jurisdiction.

#### **B.16—Instructions.**

a. Personnel performing installation, operation and maintenance work must be properly trained in such function.

#### **B.17—Electrical Connections and Open Flames.**

a. All electrical equipment in vaporizer houses (except those housing direct fired vaporizers), pumphouses and cylinder filling rooms, or other similar locations shall be of the type approved for use in Class I, Group D, Hazardous Locations of the National Electrical Code.

b. Open flames or other sources of ignition shall not be permitted in vaporizing houses (except those housing direct fired vaporizers), pumphouses, cylinder-filling rooms, or other similar locations. No direct fired vaporizers shall be permitted in pumphouses or cylinder-filling rooms.

#### **B.18—Liquid Level Gauging Device.**

a. Containers, including ICC cylinders, with water capacity less than two hundred pounds, shall be filled by weight, except containers covered by division IV.

b. Each container, except containers filled by weight, shall be equipped with a liquid level gauging device of approved design. These gauges shall be used in filling containers as required in B.12.

c. All gauging devices shall be arranged so that the maximum liquid level for butane, for a 50-50 mixture of butane and propane,

and for propane, to which the container may be filled is readily determinable. The gallonage capacity (B.12) whether for cylindrical or spherical containers, and whether for use with aboveground or underground containers shall be marked on either the system nameplate or gauging device or part may be on the system nameplate and part on the gauging device.

d. Gauging devices that require bleeding of the product to the atmosphere, such as the rotary tube, fixed tube and slip tube, shall be so designed that the bleed valve maximum opening is not larger than a No. 54 drill size, unless provided with excess flow valve.

e. Gauging devices shall have a design working pressure of at least two hundred fifty pounds per square inch gauge.

f. Length of fixed tube device shall be designed to indicate the maximum level to which the container may be filled for the product contained. This level shall be based on the volume of the product at forty degrees F. at its maximum permitted filling density for aboveground containers and at fifty degrees F. for buried containers. Refer to Appendix E for calculating filling point for which tube shall be designed.

g. When a fixed tube device is used on containers other than ICC the length of the dip tube, expressed in inches carried out to one decimal place and prefixed with the letters "DT" shall be stamped on the exterior of the device. When a fixed tube device is used on ICC containers, the length of the dip tube expressed in inches carried out to one decimal place and prefixed with the letters "DT" shall be stamped on the exterior of the device and on the container.

h. Gauge glasses of the columnar type shall be restricted to filling plants where the fuel is withdrawn in the liquid phase only. They shall be equipped with valves having metallic handwheels, with excess-flow valves, and with extra heavy glass adequately protected with a metal housing applied by the gauge manufacturer. They shall be shielded against the direct rays of the sun. Gauge glasses of the columnar type are prohibited on tank trucks, and on motor fuel tanks, and on containers used in domestic, commercial and industrial installations.

i. Gauging devices of the float, or equivalent type which do not require flow for their operation and having connections extending to a point outside the container do not have to be equipped with excess flow valves provided the piping and fittings are adequately designed to withstand the container pressure and are properly protected against physical damage and breakage.

#### **B.19—Use of Approved Appliances.**

a. New domestic and commercial gas consuming appliances shall not be installed unless their correctness as to design, construction and performance is certified by one of the following:

1. Determined by a nationally recognized

testing agency adequately equipped and competent to perform such services and shall be evidenced by the attachment of its seal or label to such gas appliances. This agency shall be one which maintains a program of national inspection of production models of gas appliances at least once each year on the manufacturer's premises. Approval by the American Gas Association Laboratories, as evidenced by the attachment of its listing symbol or approval seal to gas appliances and a certificate or letter certifying approval under the above-mentioned requirements, or listing by Underwriters' Laboratories, Inc., shall be considered as constituting compliance with the provisions of this section.

2. Approval by the state fire marshal.

b. Any appliance that was originally manufactured for operation with a gaseous fuel other than LP-Gas and is in good condition may be used with LP-Gas only after it is properly converted, adapted and tested for performance with LP-Gas before the appliance is placed in use.

#### **B.20—One Hundred Percent Automatic Shutoff Required.**

a. All liquefied petroleum gas fired automatically controlled agricultural appliances shall be equipped with a one hundred percent automatic safety shutoff.

b. All unattended agricultural heating appliances installed in buildings shall be equipped with a one hundred percent automatic shutoff. [Amended June 22, 1962]

#### **DIVISION I CYLINDER SYSTEMS**

(Sometimes called Bottled Gas.)

Division I applies specifically to systems utilizing containers constructed in accordance with the interstate commerce commission specifications. All basic rules apply to this division unless otherwise noted in the basic rules.

#### **1.1—Marking of Containers.**

a. All containers shall be marked in accordance with the interstate commerce commission regulations. Additional markings not in conflict with the interstate commerce commission regulations may be used.

b. Except as provided in 1.1 "c" each container shall be marked with its minimum water capacity in pounds or other identified unit of weight.

c. If a container is filled and maintained only by the owner or his representative and if the water capacity of each container is identified by a code, compliance with paragraph 1.1 "b" is not required.

d. Each container shall be marked with its tare weight in pounds or other identified unit of weight including all permanently attached fittings but not the cap.

#### **1.2—Description of a Division I System.**

a. A division I system shall include the container base or bracket, containers, container valves, connectors, manifold valve assembly, regulators and relief valves.

### 1.3—Location of Containers and Regulating Equipment.

a. Containers shall not be buried below ground. However, this shall not prohibit the installation in a compartment or recess below grade level, such as a niche in a slope or terrace wall which is used for no other purpose, providing that the container and regulating equipment are not in contact with the ground and the compartment or recess is drained and ventilated horizontally to the outside air from its lowest level, with the outlet at least three feet away from any building opening which is below the level of such outlet. Except as provided in B.10 "k" and in 1.7, the discharge from safety reliefs shall be located not less than three feet horizontally away from any building opening which is below the level of such discharge. Discharge from any safety relief device shall not terminate in any building, nor beneath any building unless such space is well ventilated to the outside.

b. Containers shall be set upon firm foundation or otherwise firmly secured; the possible effect on the outlet piping of settling shall be guarded against by a flexible connection or special fitting.

### 1.4—Container Valves and Accessories.

a. Valves in the assembly of multiple container systems shall be arranged so that replacement of containers can be made without shutting off the flow of gas in the system. An automatic changeover device is not required.

b. Regulators and low pressure relief devices shall be rigidly attached to the cylinder valves, cylinders, supporting standards, the building walls or otherwise rigidly secured, and shall be so installed that the elements will not affect their operation.

c. Valves and connections to the containers shall be protected while in transit, in storage, and while being moved into final utilization, as follows:

1. By setting into recess of container to prevent possibility of their being struck if container is dropped upon a flat surface, or,

2. By ventilated cap or collar, fastened to container capable of withstanding blow from any direction equivalent to that of a thirty-pound weight dropped four feet. Construction must be such that a blow will not be transmitted to valve or other connection.

d. When containers are not connected to the system, the outlet valves shall be kept tightly closed or plugged, even though containers are considered empty.

e. Containers which are recharged at the installation shall be provided with excess flow or back flow check valves to prevent the discharge of container contents in case of failure of the filling or equalizing connections.

### 1.5—Safety Devices.

a. Containers shall be provided with safety devices as required by the interstate commerce commission regulations.

b. When the delivery pressure from the final stage regulator is not more than five

p.s.i.g. the low pressure side shall be equipped with a relief valve, set to start to discharge at not less than two times, and not more than three times the delivery pressure, but not more than five p.s.i.g. in excess of the delivery pressure. When the delivery pressure is more than five p.s.i.g. the relief valve shall be set to start to discharge at not less than one and one-fourth times and not more than two times the delivery pressure. This requirement may be waived on liquid feed systems utilizing tubing specified in B.8 "b". When a regulator or pressure relief valve is installed inside a building for other than demonstration purposes (see paragraph B.6 "a" 1, 2, and 3), the relief valve and the space above the regulator and relief valve diaphragms shall be vented to the outside air with the discharge outlet located not less than three feet horizontally away from any opening into the building which is below such discharge. (These provisions do not apply to individual appliance regulators when protection is otherwise provided; nor to paragraph 1.7 and B.10 "k". In buildings devoted exclusively to gas distribution purposes, the space above the diaphragm need not be vented to the outside.)

### 1.6—Reinstallation of Containers.

a. Containers shall not be reinstalled unless they have been requalified in accordance with currently effective regulations of the ICC.

### 1.7—Use of Gas for Industrial Applications Where Oxygen Is Not Required.

a. Where portability of containers is necessary making their location outside the building or structure impracticable, containers may be located for use but not for storage inside the building or structure, only: Where gas is to be used for industrial processing or repair work in an industrial building or structure being employed for industrial purposes; or where it is to be used in the construction, repair or improvement of buildings or structures and their fixtures and equipment. Such installations are subject to the following additional rules:

1. The regulator employed may be connected directly to the cylinder valve or located on a manifold which is connected to the cylinder valve. The regulator must be of a type suitable for use with liquefied petroleum gas.

2. The aggregate capacity of the containers connected to each portable manifold shall not exceed three hundred pounds of gas by weight, and not more than one such manifold with containers may be located in the same room unless separated by at least fifty feet.

3. Manifolds and fittings connecting containers to the pressure reducing regulator inlets shall be designed to withstand without rupture at least five hundred p.s.i. gauge.

4. Containers, regulating equipment and manifolds shall be located where they are not subjected to excessive rise in temperature, physical damage or tampering by unauthorized persons.

### 1.8—Permissible Product.

a. A product shall not be placed in a container marked with a service pressure less than four-fifths of the maximum vapor pressure of product at one hundred thirty degrees F.

#### DIVISION II

#### SYSTEMS UTILIZING CONTAINERS OTHER THAN ICC

Division II applies specifically to systems utilizing storage containers other than those constructed in accordance with interstate commerce commission specifications. All basic rules apply to this division unless otherwise noted in the basic rules.

### 2.1—Design Working Pressure and Classification of Storage Containers.

a. Storage containers shall be designed and classified as follows:

Container Type	For Gases with Vapor Press. not to Exceed lb. per sq. in. gauge at 100° F.	1949 and earlier edition of ASME Code; Par. U-63, U-69	Minimum Design Working Pressure of Container lb. per sq. in. gauge
			1949 edition of ASME Code: Par. U-200, U-201; 1950, 1952 and 1956 editions of ASME Code; all editions of API-ASME Code
80	80	80	100
100	100	100	125
125	125	125	156
150	150	150	187
175	175	175	219
200	215	200	250

b. The shell or head thickness of any container shall not be less than three-sixteenths inch.

### 2.2—Container Valves and Accessories, Filler Pipes and Discharge Pipes.

a. The filling pipe inlet terminal shall not be located inside a building. For containers with a water capacity of one hundred twenty-five gallons or more such terminals shall be located not less than ten feet from any building, see B.6 "b", and preferably not less than five feet from any driveway, and shall be located in a protective housing built for the purpose.

b. The filling connection shall be fitted with one of the following:

1. Combination back-pressure check valves and excess flow valve;
2. One double or two single back-pressure check valves;
3. A positive shut-off valve, in conjunction with either,

- (a.) An internal back-pressure valve, or
- (b.) An internal excess flow valve.

c. All openings in a container shall be equipped with approved automatic excess flow valves except in the following: Filling connections as provided in 2.2 "b"; safety relief connections, liquid level gauging devices as provided in B.7 "d", B.18 "d" and B.18 "i"; pressure gauge connections as provided in B.7 "e", as provided in 2.2 "d" and "f" and "g".

d. No excess flow valve is required in the withdrawal service line providing the following are complied with:

1. Such systems' total water capacity does not exceed two thousand U. S. gallons.

2. The discharge from the service outlet is controlled by a suitable manually operated shut-off valve:

(a.) threaded directly into the service outlet of the container; or

(b.) is an integral part of a substantial fitting threaded into or on the service outlet of the container, or

(c.) threaded directly into a substantial fitting threaded into or on the service outlet of the container.

3. The shut-off valve is equipped with an attached handwheel or equivalent.

4. The controlling orifice between the contents of the container and the outlet of the shut-off valve does not exceed five-sixteenths of an inch in diameter for vapor withdrawal systems and one-eighth of an inch in diameter for liquid withdrawal systems.

5. An approved pressure-reducing regulator is directly attached to the outlet of the shut-off valve and is rigidly supported, or that an approved pressure-reducing regulator is attached to the outlet of the shut-off valve by means of a suitable flexible connection, provided the regulator is adequately supported and properly protected on or at the tank (see 2.8).

e. All inlet and outlet connections except safety relief valves, liquid level gauging devices and pressure gauges on containers of two thousand gallons water capacity, or more, and on any container used to supply fuel directly to an internal combustion engine, shall be labeled to designate whether they communicate with vapor or liquid space. Labels may be on valves.

f. In lieu of an excess flow valve; openings may be fitted with a quick-closing internal valve which except during operating periods shall remain closed. The internal mechanism for such valves may be provided with a secondary control which shall be equipped with a fusible plug (not over two hundred twenty degrees F. melting point) which will cause the internal valve to close automatically in case of fire.

g. Not more than two plugged openings shall be permitted on a container of two thousand gallons or less water capacity.

### 2.3—Safety Devices.

a. General: All safety devices shall comply with the following:

1. All container safety relief devices shall be located on the containers and shall have direct communication with the vapor space of the container.

2. In industrial and gas manufacturing plants, discharge pipe from safety relief valves on pipelines within a building shall discharge vertically upward and shall be piped to a point outside a building.

3. Safety relief device discharge terminals shall be so located as to provide protection against physical damage and such discharge pipes shall be fitted with loose rain caps. Return bends and restrictive pipe fittings shall not be permitted.

4. If desired, discharge lines from two or more safety relief devices located on the same unit, or similar lines from two or more different units, may be run into a common discharge header, provided that the cross-sectional area of such header be at least equal to the sum of the cross-sectional area of the individual discharge lines, and that the setting of safety relief valves are the same.

5. Each storage container of two thousand gallons water capacity or over shall be provided with a suitable pressure gauge.

6. When the delivery pressure from the final stage regulator is not more than five p.s.i.g., the low pressure side shall be equipped with a relief valve, set to start to discharge at not less than two times, and not more than three times the delivery pressure, but not more than five p.s.i. in excess of the delivery pressure. When the delivery pressure is more than five p.s.i. the relief valve shall be set to not less than one and one-fourth times and not more than two times the delivery pressure. This requirement may be waived on liquid feed systems utilizing tubing specified in B.8 "b". When a regulator or pressure relief valve is installed inside a building, the relief valve and the space above the regulator and relief valve diaphragms shall be vented to the outside air with the discharge outlet located not less than five feet horizontally away from any opening into the building which is below such discharge. (These provisions do not apply to individual appliance regulators when protection is otherwise provided. In buildings devoted exclusively to gas distribution purposes, the space above the diaphragm need not be vented to the outside.)

7. Discharge from any safety relief device shall not terminate in any building; nor beneath any building unless such space is well ventilated to the outside.

b. ABOVEGROUND CONTAINERS: Safety devices for the aboveground containers shall be provided as follows:

1. Containers of twelve hundred gallons water capacity or less which may contain liquid fuel when installed aboveground, either permanently or temporarily, shall have the rate of discharge specified in Appendix A provided by spring-loaded relief valve or valves, or by a combination of such relief valves and suitable fuse plugs; provided the total discharge area of the fuse plugs in each container does not exceed one-fourth square inches and the spring-loaded relief valve provides at least thirty percent of the required rate of discharge.

2. The fusible metal of the fuse plugs shall have a yield temperature of two hundred eight degrees F. minimum and two hundred twenty degrees F. maximum. Relief valves

and fuse plugs shall have direct communication with the vapor space of the container.

3. On a container having a water capacity greater than one hundred twenty-five gallons, but not over two thousand gallons, the discharge from the safety relief valves shall be vented away from the container vertically upwards and unobstructed to the open air in such a manner as to prevent any impingement of escaping gas upon the container; loose fitting rain caps shall be used. Suitable provisions shall be made for draining condensate which may accumulate in the discharge pipe. [See B.10 "i".]

4. On containers of one hundred twenty-five gallons water capacity or less the discharge from safety relief devices shall be located not less than five feet horizontally away from any opening into the building below the level of such discharge.

5. On a container having a water capacity greater than two thousand gallons, the discharge from the safety relief valves shall be vented away from the container vertically upwards to a point at least seven feet above the container, and unobstructed to the open air in such a manner as to prevent any impingement of escaping gas upon the container; loose fitting rain caps shall be used. Suitable provision shall be made so that any liquid or condensate that may accumulate inside of the relief valve or its discharge pipe will not render the valve inoperative. If a drain is used, a means shall be provided to protect the container, adjacent containers, piping or equipment against impingement of flame resulting from ignition of product escaping from the drain. [See B.10 "i".]

c. UNDERGROUND CONTAINERS: On all containers which are installed underground and which contain no liquid fuel until buried and covered, the rate of discharge of spring loaded relief valve installed thereon may be reduced to a minimum of thirty percent of the specified rate of discharge in Appendix A. Containers so protected shall not be uncovered after installation until the liquid fuel has been removed therefrom. Containers which may contain liquid fuel before being installed underground and before being completely covered with earth are to be considered aboveground containers when determining the rate of discharge requirement of the relief valves.

d. On underground containers of more than two thousand gallons water capacity, the discharge from safety relief devices shall be piped vertically and directly upward to a point at least seven feet above the ground.

1. Where there is a probability of the manhole or housing becoming flooded, the discharge from vent lines should be above the possible water level. All manholes or housings shall be provided with ventilated louvers or their equivalent, the area of such openings equalling or exceeding the combined discharge areas of the safety relief valves and other vent lines which discharge their content into the manhole housing.

e. VAPORIZERS: Safety devices for vaporizers shall be provided as follows:

1. Vaporizers of less than one quart total capacity, heated by the ground or the surrounding air, need not be equipped with safety relief valves provided that adequate tests certified by any of the authorities listed in B.2, demonstrate that the assembly is safe without safety relief valves.

2. No vaporizer shall be equipped with fusible plugs.

3. In industrial and gas manufacturing plants, safety relief valves on vaporizers within a building shall be piped to a point outside the buildings and be discharged upward.

#### 2.4—Reinstallation of Containers.

Containers installed underground may be reinstalled underground or aboveground if they do not show evidence of harmful external corrosion or other damage. Where containers are reinstalled underground, the corrosion-resistant coating shall be put in good condition. (See paragraph 2.6 "f", see also section 2.3 for relief valve requirements.)

#### 2.5—Capacity of Liquid Containers.

No liquid storage container shall exceed thirty thousand standard U. S. gallons capacity.

#### 2.6—Installation of Storage Containers.

a. Containers installed aboveground except as provided in paragraph 2.6 "g" shall be provided with substantial masonry or noncombustible structural supports on firm masonry foundation.

b. Aboveground containers shall be supported as follows:

1. Horizontal containers shall be mounted on saddles in such a manner as to permit expansion and contraction. Every container shall be so supported as to prevent the concentration of excessive loads on the supporting portion of the shell. Structural metal supports may be employed when they are protected against fire in an approved manner. Suitable means of preventing corrosion shall be provided on that portion of the container in contact with the foundations or saddles.

2. Containers of twelve hundred gallons water capacity or less may be installed with nonfireproofed ferrous metal supports if mounted on concrete pads or footings, and if the distance from the outside bottom of the container shell to the ground does not exceed twenty-four inches.

c. Any container may be installed with nonfireproofed ferrous metal supports if mounted on concrete pads or footings, and if the distance from the outside bottom of the container to the ground does not exceed five feet, provided the container is in an isolated location and such installation is approved by the authority having jurisdiction.

d. Containers buried underground shall be placed so that the top of the container is not less than six inches below grade. Where an underground container might be subject to abrasive action or physical damage to vehicular traffic or other causes, then it shall be:

1. Placed not less than two feet below grade, or

2. Otherwise protected against such physical damage.

It will not be necessary to cover the portion of the container to which manhole and other connections are affixed; however, where necessary, protection shall be provided against vehicular damage. When necessary to prevent floating, containers shall be securely anchored or weighted.

e. Containers may be partially buried providing the following requirements are met:

1. The portion of the container below the surface and for a vertical distance not less than three inches above the surface of the ground is protected to resist corrosion, and the container is protected against settling and corrosion as required for fully buried containers. [See 2.6 "f".]

2. Spacing requirements shall be as specified for underground tanks in B.6 "b".

3. Relief valve capacity shall be as required for aboveground containers.

4. Container is located so as not to be subject to vehicular damage, or is adequately protected against such damage.

f. Underground containers shall be set on a firm foundation (firm earth may be used) and surrounded with soft earth or sand well tamped in place. As a further means of resisting corrosion, the container, prior to being placed underground, shall be given a protective coating satisfactory to the authority having jurisdiction. Such protective coating shall be equivalent to hot dip galvanizing, or to two preliminary coatings of red lead followed by a heavy coating of coal tar or asphalt, and the container thus coated shall be so lowered into place as to prevent abrasion or other damage to the coating.

g. Containers with foundations attached (portable or semiportable containers with suitable steel "runners" or "skids" and popularly known in the industry as "skid tanks") shall be designed, installed and used in accordance with these rules subject to the following provisions: (See also section 3.16)

1. If they are to be used at a given general location for a temporary period not to exceed six months they need not have fire-resisting foundations or saddles but shall have adequate ferrous metal supports.

2. They shall not be located with the outside bottom of the container shell more than five feet above the surface of the ground unless fire-resisting supports are provided.

3. The bottom of the skids shall not be less than two inches or more than twelve inches below the outside bottom of the container shell.

4. Flanges, nozzles, valves, fittings and the like, having communication with the interior of the container, shall be protected against physical damage.

5. When not permanently located on fire-resisting foundations, piping connections shall

be sufficiently flexible to minimize possibility of breakage or leakage of connections if container settles, moves, or is otherwise displaced.

6. Skids, or lugs for attachment of skids, shall be secured to container in accordance with the code or rules under which the container is designed and built (with a minimum factor of safety of four) to withstand loading in any direction equal to four times the weight of the container and attachments when filled to the maximum permissible loaded weight.

h. Field welding where necessary shall be made only on saddle plates or brackets which are applied by manufacturer of tank.

i. For aboveground containers secure anchorage or adequate pier height shall be provided against possible container flotation whenever sufficiently high flood water might occur.

j. When permanently installed containers are interconnected, provision shall be made to compensate for expansion, contraction, vibration and settling of containers and interconnecting piping. Where flexible connections are used, they shall be of an approved type and shall be designed for a bursting pressure not less than five times the vapor pressure of the product at one hundred degrees F. The use of nonmetallic hose is prohibited for interconnecting such containers.

#### 2.7—Dikes and Embankments.

a. Because of the pronounced volatility of liquefied petroleum gases, dikes are not normally necessary, hence their general requirement is not justified as in the case of gasoline or similar flammable liquids. It should be borne in mind that the heavy construction of the storage containers makes failure unlikely.

b. When in the opinion of the state fire marshal, due to local conditions the contents of aboveground containers are liable in case of container failure to endanger adjacent property, dikes may be specified of such capacity as may be considered necessary.

#### 2.8—Protection of Tank Accessories, Grounding.

a. Valves, regulating, gauging and other tank accessory equipment shall be protected against tampering and physical damage. Such accessories shall also be so protected during the transit of tanks intended for installation underground. The use of other than frangible shank type locks is not desirable because it prevents access to gas controls in case of emergency.

b. All connections to underground containers shall be located within a substantial dome, housing or manhole and with access thereto protected by a substantial cover.

c. Aboveground containers exceeding two thousand gallons water capacity shall be electrically grounded in an effective manner. (See NFPA Pamphlet on Static Electricity, NFPA No. 77.)

#### 2.9—Drips for Condensed Gas.

Where vaporized gas on low-pressure side of system may condense to a liquid at normal operating temperatures and pressures, suitable means shall be provided for revaporization of the condensate.

#### 2.10—Instructions.

For installations which require operation of equipment by the user, instructions shall be furnished to the personnel responsible for the operation of the system.

#### 2.11—Damage from Vehicles.

When damage to LP-Gas systems from frequent fast moving vehicular traffic is a possibility, precautions against such damage shall be taken.

#### 2.12—Pits and Drains.

Every effort should be made to avoid the use of pits, except pits fitted with automatic flammable vapor detecting devices. No drains or blow-off lines shall be directed into or in proximity to sewer systems used for other purposes.

#### 2.13—General Provisions Applicable to Bulk Plants and to Systems in Industrial Plants.

a. Where standard watch service is provided it shall be extended to the LP-Gas installations and personnel properly trained.

b. Adequate lights shall be provided to illuminate storage containers, control valves and other equipment.

c. Suitable roadways or means of access for extinguishing equipment such as wheeled extinguishers or fire department apparatus shall be provided.

d. The container storage area shall be fenced with "man-proof" fencing or otherwise protected where necessary, and at least two means of access through the fencing shall be provided.

#### 2.14—Container Filling Plants.

a. The container charging rooms shall be located not less than:

1. Ten feet from bulk storage containers.
2. Twenty-five feet from line of adjoining property which may be built upon.

b. Tank truck filling station outlets shall be located not less than:

1. Twenty-five feet from line of adjoining property which may be built upon.
2. Ten feet from pumps and compressors if housed in one or more separate buildings.

c. The pumps and compressors may be located in the container filling room or building but if they are housed in one or more separate buildings they shall be located not less than:

1. Ten feet from bulk storage tanks.
2. Twenty-five feet from line of adjoining property which may be built upon.
3. Twenty-five feet from sources of ignition.

d. Where a part of the container filling building is to be used for a boiler room or where open flames or similar sources of ignition ex-



ist or are employed, the space to be so occupied shall be separated from container filling room by a partition wall or walls of fire-resistant construction continuous from floor to roof or ceiling. Such separation walls shall be without openings and shall be joined to the floor, other walls and ceiling or roof in a manner to effect a permanent gas tight joint.

### 2.15—Fire Protection.

a. In industrial installations involving containers of one hundred fifty thousand gallons aggregate water capacity or more, provision shall be made for an adequate supply of water at the container site for fire protection in the container area, unless other adequate means for fire control are provided. Water hydrants shall be readily accessible and so spaced as to provide water protection for all containers. Sufficient lengths of fire hose shall be provided at each hydrant location on a hose cart, or other means provided to facilitate easy movement of the hose in the container area. It is desirable to equip the outlet of each hose line with a combination fog nozzle. A shelter shall be provided to protect the hose and its conveyor from the weather.

b. If in the opinion of the state fire marshal the use of fixed water spray nozzles will better serve to protect the containers and area, these may be specified. The method of release of water spray and alarm facilities shall be at the discretion of the state fire marshal.

### 2.16—Painting.

a. Aboveground containers shall be kept properly painted.

### 2.17—Lighting.

a. At the discretion of the state fire marshal industrial installations shall be illuminated.

### 2.18—Vaporizers for Internal Combustion Engines.

a. The provisions of section 4.7 shall apply.

### 2.19—Gas Regulating and Mixing Equipment for Internal Combustion Engines.

a. The provisions of section 4.8 shall apply.

#### DIVISION III TANK TRUCKS, SEMITRAILERS AND TRAILERS FOR TRANSPORTATION OF LIQUEFIED PETROLEUM GASES

Division III applies specifically to containers and pertinent equipment mounted on trucks, semitrailers and trailers used for the transportation of liquefied petroleum gases. All basic rules apply to this division unless otherwise noted in the basic rules.

Containers and pertinent equipment for tank trucks and trailers for the transportation of liquefied petroleum gas, in addition to complying with the requirements of these standards, should also comply with the requirements of the interstate commerce commission and those of any other regulatory body which may apply.

### 3.1—Design Working Pressure and Classification of Containers.

a. Containers shall be designed and classified as follows:

Container Type	For Gases with Vapor Press. Not to Exceed lb. per sq. in. gauge at 100° F.	1949 and earlier edition of ASME Code; Par. U-68, U-69	Minimum Design Working Pressure of Containers lb. per sq. in. gauge 1949 edition of ASME Code; Par. U-200, U-201 1950, 1952 and 1956 editions of ASME Code; all editions of API-ASME Code
80	80	80	100
100	100	100	125
125	125	125	156
150	150	150	187
175	175	175	219
200	215	200	250

b. The shell or head thickness of any container shall not be less than three-sixteenths inch.

### 3.2—Container Valves and Accessories.

a. All valves shall be safeguarded against physical damage due to collision, overturning or other emergency.

b. Filling connections shall be provided with approved automatic back pressure check valves, excess flow check valves or quick-closing internal valves to prevent excessive escape of gas in case the filling connection is broken, except that where the filling and discharge connect on a common opening in the container shell, and that opening is fitted with a quick-closing internal valve as specified in section 3.2 "c", the automatic valve shall not be required. In addition every inlet and outlet connection shall be equipped with a manually or automatically operated shut-off valve.

c. All other connections to containers, except safety relief and liquid level gauge connections, shall be provided with suitable automatic excess flow valves, or in lieu thereof may be fitted with quick-closing internal valves, which, except during delivery operations, shall remain closed. The control mechanism for such valves may be provided with a secondary control remote from the delivery connections and such control mechanism shall be provided with a fusible section (melting point not over two hundred twenty degrees F.) which will cause the internal valve to close automatically in case of fire.

d. All container inlets and outlets, except safety relief valves, liquid level gauging devices, and pressure gauges, shall be labeled to designate whether they communicate with vapor or liquid space. Labels may be on valves.

e. Each container shall be equipped with a suitable pressure gauge.

### 3.3—Piping and Fittings.

a. All piping, tubing and fittings shall be securely mounted and protected against damage and breakage.

b. All ferrous threaded fittings and threaded pipe shall be designed for a minimum working pressure of two hundred fifty p.s.i.g.

**3.4—Safety Devices.**

a. The discharge from safety relief valves shall be vented away from the container upward and unobstructed to the open air in such a manner as to prevent any impingement of escaping gas upon the container; loose fitting rain caps shall be used. Size of discharge lines from safety relief valves shall not be smaller than the nominal size of the relief valve connection. Suitable provision shall be made for draining condensate which may accumulate in the discharge pipe.

b. Any portion of piping between tank and pump inlet or any wet hose which at any time may be closed at each end should be provided with relief valve to prevent excessive pressure developing.

c. If tank filling connections are located at a distance of more than twenty feet from the truck, the pump discharge shall be provided with an excess flow valve to prevent escape of liquid in the event of hose or connection failure beyond the pump.

**3.5—Tank Truck Fuel Systems.**

a. In the event liquefied petroleum gas is used in the truck engine, the fuel system shall be installed in accordance with Division IV.

**3.6—Transfer of Liquids.**

a. **LOADING TRUCK, TRAILER, AND SEMITRAILER CONTAINERS.** Truck, trailer, and semitrailer containers shall be loaded by weight, by meter, or by suitable liquid level gauging device (see Sec. B.18).

b. Pumps or compressors shall be designed for use with LP-Gas; they shall be properly protected and may be mounted upon liquefied petroleum gas tank trucks, trailers, or semitrailers and may be driven by the truck motor power take-off or internal combustion engine, hand, mechanical, hydraulic or electrical means. On electrical means of pumping the electrical installation shall be in accordance with the requirements of the National Electrical Code for Class I, Group D. Hazardous Locations. The pumps, except constant speed centrifugal pumps, shall be equipped with suitable pressure actuated by-pass valves permitting flow from pump discharge to pump suction or back to container when the pump discharge pressure rises above a predetermined point. Pump discharge from positive displacement pumps shall also be equipped with a spring-loaded safety valve of nonleaking type, set at a pressure not to exceed thirty-five percent higher than the predetermined setting of the by-pass valve.

**3.7—Mounting Containers on Truck, Semi-trailer or Trailer Vehicle.**

a. A suitable "stop" or "stops" shall be mounted on the truck, semitrailer or trailer or on the container, in such a way that the container shall not be dislodged from its mounting due to the vehicle coming to a sudden stop. Back slippage shall also be prevented by proper methods.

b. A suitable "hold down" device shall be provided which will anchor the container at

one or more places on each side of the container to the truck, semitrailer or trailer frame so as to minimize loosening due to vibration.

**3.8—Electrical Equipment and Lighting.**

a. Tank trucks, tank trailers, and tank semitrailers, shall not be equipped with any artificial light other than electricity. Lighting circuits shall have suitable over-current protection (fuses or automatic circuit breakers); the wiring shall have sufficient carrying capacity and mechanical strength, and shall be suitably secured, insulated and protected against physical damage.

**3.9—Trailers and Semitrailers.**

a. All trailers shall be firmly and securely attached to the vehicle drawing them by means of suitable drawbars, supplemented by safety chains.

b. Every trailer or semitrailer shall be equipped with a reliable system of brakes, and adequate provision shall be made for its efficient operation from the driver's seat of the vehicle drawing the trailer.

c. Every trailer or semitrailer shall be provided with side lights and a taillight.

d. Four-wheeled trailers shall be of a type of construction which will prevent the towed vehicle from whipping or swerving from side to side dangerously and will cause it to follow substantially in the path of the towing vehicle.

e. Where a fifth wheel is employed, it shall be ruggedly designed, securely fastened to both units, and equipped with a positive locking mechanism which will prevent separation of the two units, except by manual release.

f. Any loaded trailer or semitrailer when parked shall be positioned so that the relief valve shall communicate with the vapor space.

**3.10—Metallic Connections.**

a. Tank, chassis, axles and springs shall be metallurgically connected.

**3.11—Exhaust Systems.**

a. The exhaust system, including muffler and exhaust line, shall have ample clearance from the fuel system and combustible materials. Truck muffler and exhaust pipe shall be placed as far as practicable from any truck valves, pumps or piping.

b. Muffler cut-out shall not be used.

**3.12—Extinguishers Required.**

a. Each truck or tractor shall be provided with at least one approved hand fire extinguisher of a type suitable for gas fires. Extinguishers of the dry chemical or carbon dioxide type are suitable. Extinguishers should have a net content of not less than fifteen pounds.

**3.13—Smoking Prohibited.**

a. Tank truck drivers and their helpers shall be instructed not to smoke or allow smoking around the truck on the road, while making deliveries, filling the trucks or making any repairs to tank truck or tank trailer.

**3.14—Protection Against Collision.**

a. Each tank truck and trailer shall be provided with properly attached steel bumpers or chassis extension which shall be so arranged as to protect the tank, piping, valves and fittings in case of collision.

**3.15—Chock Blocks.**

a. Each tank truck and trailer shall carry chock blocks which shall be used to prevent rolling of the vehicle whenever it is parked, including when loading and unloading.

**3.16—Skid Tanks.**

a. Skid tanks shall not be used in place of tank trucks, tank trailers or tank semitrailers for regular deliveries. They shall be employed only where there is a necessity for their joint use as a transport and storage unit. Where skid tanks are used they shall comply with all requirements of this division and with section 2.6 "g".

**3.17—Truck Transportation of LP-Gas Containers.**

a. Portable containers containing liquefied petroleum gas transported in trucks shall be securely held in position to prevent movement, tipping over or physical damage. Each cylinder equipped with a boss for a valve protection cap shall have such cap in place at all times while the cylinder with liquid product in it is being transported.

b. Containers not considered portable containing liquid product which are not designed for and permanently attached to the vehicle shall be properly secured against movement within the vehicle by which it is being transported.

**3.18—Movable Fuel Storage Tenders or Farm Carts.**

a. Applicable basic rules shall apply to these units.

b. Valves, piping, fittings and accessories shall be adequately safeguarded against physical damage due to collision or upset.

c. Threaded piping shall not be less than Schedule 80 and fittings shall be designed for not less than two hundred fifty p.s.i.g.

d. These units shall not be refilled on a public road or highway. [Filed June 22, 1962]

**3.19—Parking and Garaging LP-Gas Tank Vehicles.**

a. Except in an emergency, tank vehicles containing LP-Gas shall not be left unattended on any street, highway, avenue or alley, provided that this shall not prevent a driver from the necessary absence from the vehicle in connection with a delivery, nor shall it prevent stops for meals or rest stops during the day or night if the vehicle is well lighted at point of parking.

b. Tank vehicles containing LP-Gas shall not be stored, parked or garaged in any building unless the building is specifically approved for such use by the authority having jurisdiction or is designed for such use.

c. LP-Gas tank vehicles garaged for service on the chassis or engine shall observe the following rules:

1. All primary shut-off valves shall be closed and liquid and vapor in the hose and piping vented to a safe location prior to moving the vehicle into the building.

2. The system shall be checked for any leaks and any found shall be repaired before the vehicle is moved inside the building.

3. The cargo container shall be gauged to determine that it is not filled beyond the maximum filling capacity according to B-12 "a". If over-filled, it shall be corrected before the vehicle is moved inside the building.

4. The vehicle shall not be parked near a source of heat, open flame or similar sources of ignition or within the path of hot air being blown from a blower type heater.

5. Unless the product is removed from the cargo tank and the pressure reduced to atmospheric, the driver shall instruct the responsible people in the garage of the nature of the cargo contents and instruct them not to tamper with the tank valves or fittings.

d. The provisions of 3.19 "a" shall include delivery trucks carrying more than twenty portable liquefied petroleum gas containers.

e. Repair work shall not be done on the cargo container or primary shut-off valves while the vehicle is in the garage if the cargo container contains product. [Filed June 22, 1962]

**DIVISION IV****LIQUEFIED PETROLEUM GAS AS A MOTOR FUEL**

Division IV applies to internal combustion engines, fuel containers and pertinent equipment for the use of liquefied petroleum gases as a motor fuel on easily moveable, readily portable units including self-propelled vehicles.

Fuel containers and pertinent equipment for internal combustion engines using liquefied petroleum gas where installation is of the stationary type are covered by division II of these standards. Division IV does not apply to containers for transportation of liquefied petroleum gases nor to marine fuel use. All basic rules apply to this division, unless otherwise noted in the basic rules.

**4.1—General.**

a. Fuel may be used from the cargo containers of a truck while in transit, but not from cargo containers on trailers or semitrailers. The use of fuel from the cargo containers to operate stationary engines is permitted providing wheels are securely blocked.

b. Passenger carrying vehicles shall not be fueled with passengers aboard.

c. Industrial tractors and lift trucks equipped with permanently mounted fuel containers shall be charged outdoors. Charging equipment shall comply with the provisions of division VII.

d. Agricultural vehicles and mobile equipment, including tractors, shall be shut down during refueling operations. [Amended June 22, 1962]

#### 4.2—Design Working Pressure and Classification of Fuel Containers.

a. Fuel containers for use on other than industrial tractors and lift trucks shall be designed and classified as follows:

Container Type	For Gases with Vapor Press. Not to Exceed lb. per sq. in. gauge at 100° F.	1949 and earlier Code; Par. U-68, U-69	Minimum Design Working Pressure of Container lb. per sq. in. gauge
			1949 edition of ASME Code; Par. U-200, U-201; 1950, 1952 and 1956 editions of ASME Code; API-ASME Code
200	215	200	250

b. Fuel containers for use in industrial tractors and lift trucks shall be either ICC containers authorized for LP-Gas service having a minimum service pressure of two hundred forty p.s.i.g. or minimum Container Type 250.

c. All container inlets and outlets except safety relief valves and gauging devices shall be labeled to designate whether they communicate with vapor or liquid space. Labels may be on valves.

d. Containers manufactured and maintained under interstate commerce commission specifications and regulations may be used as fuel containers. When so used they shall conform to all rules in this section, except construction and marking requirements.

#### 4.3—Location of Fuel Supply Containers.

a. Containers shall be located in a place and in a manner to minimize the possibility of damage to the container. Containers located in the rear of trucks and buses, when protected by substantial bumpers, will be considered in conformance with this requirement. Fuel containers on passenger-carrying vehicles shall be installed as far from the engine as practicable, and the passenger space shall be sealed from the container space to prevent direct seepage of gas to the passenger space. The container compartment shall be vented to the outside. In case the fuel container is mounted near the engine or the exhaust system, the container shall be shielded against direct heat radiation.

b. Containers shall be installed with as much clearance as practicable but never less than the minimum road clearance of the vehicle under maximum spring deflection. This minimum clearance shall be to the bottom of the container or to the lowest fitting on the container or housing, whichever is lower.

c. Fuel containers for engine on buses, except taxicabs, shall be permanently installed. Proper anchorage shall be provided to prevent jarring loose, slipping, or rotating of cylinders.

d. Containers shall be secured in place on the vehicle by fastenings designed and constructed with minimum factor of safety of four to withstand loadings in any direction equal to four times the filled weight of the container. Field welding where necessary shall be made only on saddle plates, lugs, or

brackets, originally attached to the container by the tank manufacturer.

e. Containers from which vapor only is to be withdrawn shall be installed and equipped with suitable connections to minimize the accidental withdrawal of liquid.

#### 4.4—Valves and Accessories.

a. Container valves and accessories shall have a rated working pressure of at least two hundred fifty pounds per square inch gauge, and shall be of a type suitable for liquefied petroleum gas service.

b. The filling connection shall be fitted with an approved double back-pressure check valve, or a positive shut-off in conjunction with an internal back-pressure check valve. On a removable container the filler valve may be a hand operated shut-off valve with an internal excess flow valve. Main shut-off valves on the container on liquid and vapor lines must be readily accessible.

c. With the exceptions of 4.4 "d" 3, filling connections equipped with approved automatic back-pressure check valves, and safety relief valves, all connections to containers having openings for the flow of gas in excess of a No. 54 drill size shall be equipped with approved automatic excess flow valves to prevent discharge of content in case connections are broken. This requirement may be waived when such exception is recognized by the testing and listing of the containers and fittings by any of the authorities listed in paragraph B.2.

d. Liquid level gauging devices:

1. Variable liquid level gauges which require the venting of fuel to the atmosphere shall not be used on fuel containers of industrial tractors and lift trucks.

2. Permanently mounted fuel containers shall be equipped with a fixed length dip tube gauge, in accordance with Appendix E.

3. In the case of containers used solely in farm tractor service, and charged at a point at least fifty feet from any important building, the fixed liquid level gauging device may be so constructed that the outward flow of container content exceeds that passed by a No. 54 drill size opening, but in no case shall the flow exceed that passed by a No. 31 drill size opening. An excess flow valve is not required. Fittings equipped with such restricted drill size opening and container on which they are used shall be marked to indicate the size of the opening.

e. All valves and connections on containers shall be adequately protected to prevent damage due to accidental contact with stationary objects or from loose objects thrown up from the road, and all valves shall be safeguarded against damage due to collision, overturning or other accident. For farm tractors where parts of the vehicle provide such protection to valves and fittings, the foregoing requirements shall be considered fulfilled. However, on removable type containers the protection for the fittings must be permanently attached to the container.

f. Exchange of removable fuel containers preferably should be done outdoors but may be done indoors. When removable fuel containers are used, means shall be provided in the fuel system to minimize the escape of fuel when the containers are exchanged. This may be accomplished by either of the following methods:

1. Using an approved automatic quick-closing coupling (a type closing in both directions when uncoupled) in the fuel line, or
2. Closing the valve at the fuel container and allowing the engine to run until the fuel in the line is consumed.

#### 4.5—Piping, Tubing and Fittings.

a. All piping from fuel container to first stage regulator shall be wrought iron or steel (black or galvanized), brass or copper pipe, or seamless copper, brass or steel tubing. Steel pipe or tubing shall have a minimum wall thickness of 0.049 inches, and shall be adequately protected against exterior corrosion. Copper tubing shall be Type K or L or equivalent having a minimum wall thickness of 0.032 inches. Approved flexible connections (see B.9) may be used between container and regulator or between regulator and gas-air mixer within the limits of approval by any of the authorities listed in B.2 "a." The use of aluminum piping or tubing is prohibited. In the case of removable containers an approved flexible connection shall be used between the container and the fuel line.

b. All piping shall be installed, braced and supported so as to reduce to a minimum the possibility of vibrations, strains or wear.

#### 4.6—Safety Devices. (Refer also to B.10)

a. Spring-loaded internal type safety relief valves shall be used on all motor fuel containers.

b. The discharge outlet from safety relief devices shall be located on the outside of enclosed spaces and as far as practicable from possible sources of ignition, and vented upward in such a manner as to prevent impingement of escaping gas upon containers, or parts of vehicle. Loose fitting rain caps shall be used.

c. When a discharge line from the container safety relief device is used, it shall be sized and located and maintained so as not to interfere with the required flow of gas from the safety relief device. Such discharge line shall be able to withstand the pressure resulting from the discharge of vapor when the safety relief valve is in the full open position.

#### 4.7—Vaporizers.

a. Vaporizers and any part thereof and other devices that may be subjected to container pressure, shall have a design working pressure of at least two hundred fifty pounds p.s.i.g.

b. Each vaporizer shall have a valve or suitable drain plug which will permit substantially complete draining of the vaporizer. It shall be located at or near the lowest portion of the section occupied by the water or other heating medium.

c. Vaporizers shall be securely fastened so as to minimize the possibility of becoming loosened.

d. Each vaporizer shall be permanently marked at a visible point as follows:

(1) With design working pressure of the fuel containing portion in pounds per square inch gauge.

(2) With the water capacity of the fuel containing portion of the vaporizer in pounds.

e. Devices to supply heat directly to a fuel container shall be equipped with an automatic device to cut off the supply of heat before the pressure inside the fuel container reaches eighty percent of the start to discharge pressure setting of the safety relief device on the fuel container.

f. Exhaust gases shall not be used as a direct means of heat supply for the vaporization of fuel.

g. Vaporizers shall not be equipped with fusible plugs.

#### 4.8—Gas Regulating and Mixing Equipment.

a. Approved automatic pressure reducing equipment shall be installed in a secure manner between the fuel supply container and gas-air mixer for the purpose of reducing the pressure of the fuel delivered to the gas-air mixer.

b. An approved automatic shut-off valve shall be provided in the fuel system at some point ahead of the inlet of the gas-air mixer, designed to prevent flow of fuel to the mixer when the ignition is off and the engine is not running. In the case of industrial trucks and engines operating in buildings other than those used exclusively to house engines, the automatic shut-off valve shall be designed to operate if the engine should stop. Atmospheric type regulators (zero governors) shall be considered adequate as an automatic shut-off valve only in cases of outdoor operation such as farm tractors, construction equipment, irrigation pump engines, and other outdoor stationary engine installations.

c. The source of the air for combustion shall be completely isolated from the passenger compartment, ventilating system or air conditioning system.

#### 4.9—Capacity of Containers.

a. No single fuel container used on passenger carrying vehicles shall exceed two hundred gallons water capacity. No single fuel container on other vehicles normally operating on the highway shall exceed three hundred gallons water capacity as provided in 4.1 "a."

#### 4.10—Stationary or Portable Engines in Buildings.

a. All engine rooms shall be well ventilated at the floor level.

b. When engines are installed below grade level, suitable floor level mechanical exhaust ventilation shall be provided and operated continuously or adequate means shall be pro-

vided to purge the room before the engine is started. In any case the mechanical ventilation shall be in operation when the engine is running. Before and during any repairs to the engine the room shall be ventilated.

c. Automatic fire doors shall be provided at openings in the engine room that open into other sections of the building.

d. Exhaust gases shall be discharged outside the building in a manner that will not create a fire or any other hazard.

e. Regulators and pressure relief valves installed in buildings and engine rooms shall be vented to the outside and discharge at least five feet away from any building opening. Such venting will not be required for combination engine fuel vaporizing-fuel reducing-fuel metering devices providing the automatic shut-off valve required in 4.8 "b" is installed immediately ahead of such devices.

f. An approved flexible hose connection not exceeding three feet in length shall be installed at the engine end of the fuel line. The flexible connection shall be installed in a manner so as to eliminate the possibility of damage from vibration.

**DIVISION V  
STORAGE OF CONTAINERS NOT INSTALLED FOR  
USE AT FINAL UTILIZATION POINT**

Containers stored or in the process of filling or handling at container filling plants with permanently located bulk storage tanks or at plants devoted primarily to the storage and distribution of other petroleum products are not covered by the provisions of this division.

**5.1—Storage on Premises of User.**

a. Containers on the premises of users that are not in use or connected for use shall be stored according to the requirements applying to containers connected for use in section B.6 except that portable ICC containers on the premises of industrial users may be stored as follows:

1. Cylinders, stored inside a building except those in actual use or attached ready for use, shall be limited to a total capacity of two thousand cubic feet. For storage in excess of two thousand cubic feet total gas capacity, cylinders shall be kept outside or in a separate room or compartment or in a special building.

2. Containers carried as a part of service equipment on highway mobile vehicles should not be considered in the total storage capacity in 5.1 "a" 1; when such vehicles are stored in private garages, and are limited to one container having a capacity of not over one hundred pounds of LP-Gas on each vehicle. Container valves shall be closed.

3. Cylinders may be stored in the open provided valves and safety devices are protected against accumulation of ice and snow. Cylinders permitted inside of buildings shall be stored away from highly combustible materials and in locations where they are not liable to excessive rise in temperature, physical damage or tampering by unauthorized persons. Empty cylinders shall have their valves closed in storage and when shipped.

4. Storage rooms or compartments. Where cylinders are stored inside buildings ("buildings" as used in this section means a building having occupancy other than that directly associated with storage of containers, filled and empty or the manifolding of cylinders used in cutting and industrial purposes), they shall be inclosed in a separate room or compartment of ample size. The walls or partitions, floor and ceiling of such room or compartment shall be of one of the types of construction listed below or other construction equivalent in strength and fire resistance; walls or partitions shall be continuous from floor to ceiling and shall be securely anchored. At least one wall of an inside cylinder storage room shall be an exterior wall.

Gypsum or cement plaster at least three-fourths of an inch thick on metal lath on each side of a stud partition.

Expanded metal lath encased in solid cement plaster not less than two and one-half inches thick.

Reinforced concrete.

Brick.

Tile, gypsum or concrete block (cement plaster on each side to a thickness of one-fourth inch).

Openings from a cylinder storage room or compartment to other parts of the building shall be protected by a fire door classified and labeled as suitable for use in Class B situations as defined in the NFPA Standards for the Protection of Openings in Walls and Partitions Against Fire.

The door shall be of the swinging type and close into a rabbet or otherwise be made tight to prevent passage of flame around edges; it shall be self-closing, and if fastened open, shall be arranged to close automatically in case of fire originating inside or outside of the cylinder storage room or compartment. Windows, if provided in partitions shall be wired glass in approved metal frames.

Special buildings, rooms or compartments shall have no open flame for heating or lighting and shall be well ventilated. Empty cylinders shall be stored with valve end up, and cylinder cap in place.

**5.2—Storage for Resale.**

a. If containers other than ICC contain any gas they shall be stored according to the requirements applying to such containers when connected for use in section B.6.

b. ICC containers may be stored in a building, a separate room or compartment used exclusively for storing gas containers. Such room or compartment shall not be below ground level and shall have no openings communicating with other occupancies. The space below the floor shall be of solid fill or properly ventilated to open air. The building or compartment or room shall be vented top and bottom to the outside only and the outlet from such vents shall be at least five feet horizontally from any other opening into any building. Such storage of containers shall not be adjacent to a school, church, hospital, athletic field or other points of public gathering.

c. Containers may be stored in the open provided they are stored within a suitable inclosure where necessary to prevent tampering. Containers shall not be stored adjacent to a school, church, hospital, athletic field or other points of public gathering. The valves and safety devices shall be protected against accumulations of ice and snow. Protective caps shall be deemed adequate.

d. Where the storage exceeds ten thousand pounds of gas at one storage location, such storage shall be located at least twenty-five feet from important buildings, or regularly busy main thoroughfares.

e. Readily combustible material shall not be piled within ten feet of containers, in storage. A warning, to keep open flames and fire away, shall be conspicuously posted.

f. Containers of LP-Gas shall not be stored inside a store or place of business frequented by the public. However, ICC specification containers having a maximum water capacity of two and one-half pounds each, such as those used for completely self-contained hand torches and similar applications, may be stored or displayed in such buildings. This storage shall be limited to a total of twenty-four such units.

### 5.3—General.

a. Containers in storage shall have valves closed even though they may be empty.

b. Containers which require valve protecting caps shall have such caps in place hand tight while in storage.

#### DIVISION VI CYLINDER SYSTEMS FOR COOKING, HEATING, AND REFRIGERATING INSTALLATIONS ON HIGHWAY MOBILE VEHICLES

Division VI applies specifically to systems using LP-Gas on mobile and other highway mobile vehicles. All basic rules apply to division VI unless otherwise noted in this division or in the basic rules.

Where liquefied petroleum gas is supplied from containers not mounted on and secured to the unit, division I or II shall apply.

### 6.1—Construction of Containers.

a. Containers shall be constructed in accordance with the specifications of the interstate commerce commission except as provided in "b".

b. Cylinders fabricated and marked prior to July 1, 1949, according to the requirements of the ASME or the API-ASME Unfired Pressure Vessel Code shall be acceptable provided they comply with all other requirements set forth in this division.

### 6.2—Marking of Containers.

a. All containers except those included in 6.1 "b" shall be marked in accord with the interstate commerce commission regulations. Additional markings not in conflict with interstate commerce commission regulations may be used.

### 6.3—Description of a Division VI System.

a. A division VI system shall include: Hous-

ing container bracket or support, containers, container valves, manifold valve assembly (two-cylinder systems), regulator and relief valves.

### 6.4—Location of Containers and Regulating Equipment.

a. No container shall be installed, transported, or stored (even temporarily) inside any vehicle covered by division VI except as provided by the applicable regulations of the interstate commerce commission or the state fire marshal.

b. Containers, control valves, and regulating equipment inclosed in a housing, and comprising a complete system shall be mounted on the chassis of the vehicle as close to the hitch as practicable.

c. Systems may be installed in a recess that is vapor tight to the inside of the vehicle and accessible from and vented to the outside.

d. There shall be no fuel connection between vehicle units such as a tractor and trailer.

e. Container or container carrier shall be secured in place on the vehicle by fastenings designed and constructed with a minimum safety factor of four to withstand loading in any direction equal to four times the filled weight of the container.

### 6.5—Container Valves and Accessories.

a. Valves in the assembly of a two-cylinder system shall be arranged so that replacement of containers can be made without shutting off the flow of gas to the appliances. An automatic changeover device is not required.

b. Shut-off valves on the containers shall be protected in transit, in storage, and while being moved into final utilization as follows:

1. By setting into recess of container to prevent possibility of their being struck if container is dropped upon a flat surface, or

2. By ventilated cap or collar fastened to container capable of withstanding a blow from any direction equivalent to that of a thirty-pound weight dropped four feet. Construction must be such that a blow will not be transmitted to valve.

### 6.6—Safety Devices.

a. ICC containers shall be provided with safety-relief devices as required by the regulations of the interstate commerce commission.

b. Containers constructed in accordance with the rules of the ASME or the API-ASME shall be provided with safety relief devices as required by B.10 hereof.

c. The delivery side of the gas pressure regulator shall be equipped with a safety-relief device set to start to discharge at a pressure not less than two times and not more than three times the delivery pressure of the regulator.

d. Whenever equipment, such as a cargo heater or cooler on commercial vehicles is of a type designed to be in operation during trans-

it, an excess flow device shall be provided at the container and installed so that it will be actuated by a complete break in the downsteam fuel supply. Devices incorporated in the regulating equipment if connected directly to the container outlet valve will comply with this requirement. All devices shall meet the specifications of B.7 "c".

#### **6.7—System Design and Service Line Pressure.**

a. Systems shall be of the vapor-withdrawal type.

b. Vapor, at a pressure not over eighteen inc. water column shall be delivered from the system into the service piping supplying the appliances.

#### **6.8—System Inclosure and Mounting.**

a. Housings or inclosures shall be designed to provide proper ventilation.

b. Hoods, domes, or portions of cabinets required to be removed from replacement of containers shall incorporate means for clamping them firmly in place, and prevent them from working loose during transit.

c. Provisions shall be incorporated in the assembly to hold the containers firmly in position and prevent their movement during transit.

d. Containers shall be mounted on a substantial support or base secured firmly to the vehicle chassis.

e. Road clearance shall be as follows:

1. In the case of trailer coaches, when the container support is used inside the frame members, the maximum depth shall not exceed seven inches from the top of the chassis to provide sufficient road clearance.

2. In the case of a commercial vehicle, the system shall be installed with as much road clearance as possible and never less than the minimum road clearance of the vehicle under maximum spring deflection.

#### **6.9—Piping and Fittings.**

a. Regulators shall be of lightweight construction and connected directly to the cylinder valve inlet, or mounted securely by means of a support bracket and connected to the cylinder valve or valves with an approved high pressure flexible connection.

b. An expansion loop in the gas service piping or an approved flexible connection between the regulator outlet and the gas service piping shall be used.

c. Piping, tubing and fittings shall meet the specifications in B.8 "a" and "c" except that aluminum tubing is prohibited. Steel pipe or tubing shall have a minimum wall thickness of 0.049 inches and shall be adequately protected against exterior corrosion. For trailer coaches, only seamless drawn copper tubing having an outside diameter not less than three-eighths inch and a wall thickness of not less than 0.032 inch, shall be used for gas service lines.

d. Approved gas tubing fittings shall be employed for making tubing connections.

e. The fuel line shall be firmly fastened in a protected location under the vehicle and outside and below any insulation or false bottom. Fastenings shall be such as to prevent abrasion or injury to the tubing from vibration. Where the fuel line passes through structural members or floors, a rubber grommet or equivalent shall be installed to prevent chafing.

f. The fuel line shall be installed to enter the vehicle through the floor directly or adjacent to the appliance which it serves. When a branch line is required, the tee connection shall be in the main fuel line and located under the floor and outside the vehicle.

g. All parts of the system assembly shall be so designed and secured as to preclude such parts working loose during transit.

#### **6.10—Appliances.**

a. All gas consuming appliances shall have their correctness as to design, construction, and performance for their intended use, trailer coach or cargo heating certified as follows:

1. Determined by a nationally recognized testing agency adequately equipped and competent to perform such services and shall be evidenced by the attachment of its seal or label to such gas appliances. This agency shall be one which maintains a program of national inspection of production models of gas appliances at least once each year on the manufacturer's premises. Approval by the American Gas Association Laboratories, as evidenced by the attachment of its Listing Symbol or Approval Seal to gas appliances and a certificate or letter certifying approval under the above-mentioned requirements, or listing by Underwriters' Laboratories, Inc., shall be considered as constituting compliance with the provisions of this section, or

2. Approval by the state fire marshal.

b. In the case of trailer coaches, all gas-fired space heaters and water heaters shall be of the full vented type, vented to the outside of the vehicle. Air for combustion shall come from the outside of the trailer. In the case of commercial vehicles which do not contain living quarters and the gas-fired space heater is used to protect the cargo, such space heating equipment may be of the unvented type, but provisions shall be made to dispose of the products of combustion to the outside.

c. Provisions shall be made to insure an adequate supply of air for combustion.

d. All gas-fired space heaters and water heaters shall be equipped with an approved device designed to shut off the flow of gas to the main burner and to the pilot in the event the pilot flame is extinguished.

e. Gas-fired appliances installed in the cargo space shall be located so they are readily accessible.

f. Appliances shall be constructed or protected to reduce to a minimum possible damage or impaired operation resulting from cargo shifting or handling.

g. Appliances shall be located inside a ve-



hicle so that a fire at an appliance will not block all egress of persons from the vehicle.

### 6.11—General Precautions.

a. Containers, except those covered in 6.1 "b", shall be marked, maintained and retested in accordance with the regulations of the interstate commerce commission.

b. No container shall be charged with fuel unless it bears the proper markings of the code under which it was fabricated, and in addition with its minimum water capacity and the tare weight of the container in pounds.

c. No icc container shall be refilled which has been involved in a fire until it has been requalified for service according to icc Regulations.

d. No ASME or API-ASME container shall be refilled which has been involved in a fire until it has been retested in accordance with the requirements for its original hydrostatic test and found to be suitable for continued service.

e. No container shall be filled without the consent of the owner thereof.

f. A permanent caution plate shall be provided on the outside of the system inclosure and adjacent to the consuming appliances on trailer coaches. It shall include the following items.

#### Warning

1. Be sure all appliance valves are closed before opening container valve.
2. Connections at the appliances, regulators and containers shall be checked periodically for leaks with soapy water or its equivalent.
3. Never use a match or flame when checking for leaks.
4. Container shut-off valves of trailer-coach systems shall be closed when vehicle is in transit.

### 6.12—Filling of Containers.

a. Containers shall be filled in accordance with B.18 "a" and one of the following:

1. At a properly equipped container charging plant which complies with all applicable requirements of these standards. Such a charging plant and storage containers shall be inclosed by a suitable fence (so called "manproof") which shall have the gates locked when the plant is unattended.

2. At a trailer coach location directly from a tank truck into the container or containers installed at any one trailer coach with the following limitations. No vapor or liquid shall be vented to the atmosphere. The container charging operation shall be performed only by qualified personnel. When containers are accumulated at the tank truck for charging such charging shall not be done within fifty feet of the nearest building, trailer, or group of buildings nor within twenty-five feet of public streets or highways. Private streets, roads or rights of way shall not be classed as public streets or highways.

#### DIVISION VII

LIQUEFIED PETROLEUM GAS SERVICE STATIONS  
Division VII applies to storage containers, and dispensing devices, and pertinent equip-

ment in service stations where LP-Gas is stored and is dispensed into fuel tanks of motor vehicles. (See division IV for requirements covering use of LP-Gas as a motor fuel.) All basic rules apply to this division unless otherwise noted. Containers and pertinent equipment shall comply with the requirements as outlined herein as well as with the requirements of the state or local authority having jurisdiction where the service stations will be constructed.

### 7.1—Design Working Pressure and Classification of Storage Containers.

a. Storage containers shall be designed and classified as follows:

Con- tainer Type	For Gases with Vapor Press. not to Exceed lb. per sq. in. gauge at 100° F.	1949 and earlier edition of ASME Code; Par. U-68, U-69	Minimum Design Working Pressure of Container lb. per sq. in. gauge 1949 edition of ASME Code; Par. U-200, U-201; 1950, 1952 and 1956 editions of ASME Code; all editions of API- ASME Code
200	215	200	250

### 7.2—Container Valves and Accessories.

a. A filling connection on the container shall be fitted with one of the following:

1. A combination back-pressure check and excess flow valve,
2. One double or two single back-pressure valves,
3. A positive shut-off valve, in conjunction with either:
  - (a) An internal back-pressure valve, or
  - (b) An internal excess flow valve.

In lieu of an excess flow valve, filling connections may be fitted with a quick-closing internal valve, which shall remain closed except during operating periods. The mechanism for such valves may be provided with a secondary control which will cause it to close automatically in case of fire. When a fusible plug is used its melting point shall not exceed two hundred twenty degrees F.

b. A filling pipe inlet terminal not on the container shall be fitted with a positive shut-off valve in conjunction with either (1) a back-pressure check valve, or (2) an excess flow check valve.

c. All openings in the container except those listed below shall be equipped with approved excess flow check valves:

1. Filling connections as provided in 7.2 "a".
2. Safety relief connections as provided in B.7 "b".
3. Liquid level gauging devices as provided in B.7 "d", B.18 "d" and "i".
4. Pressure gauge connections as provided in B.7 "e".

d. All container inlets and outlets except those listed below shall be labeled to designate whether they connect with the vapor or liquid (labels may be on valves):

1. Safety relief valves.

- 2. Liquid level gauging devices.
- 3. Pressure gauges.
- e. Each storage container shall be provided with a suitable pressure gauge.

**7.3—Safety Relief Valves.**

a. All safety relief devices shall be installed as follows:

- 1. On the container and directly connected with the vapor space.
- 2. Safety relief valves and discharge piping shall be protected against physical damage. The outlet shall be provided with loose-fitting rain caps. There shall be no return bends or restrictions in the discharge piping.
- 3. The discharge from two or more safety relief valves having the same pressure settings may be run into a common discharge header. The cross-sectional area of such header shall be at least equal to the sum of the cross-sectional area of the individual discharges.

4. Discharge from any safety relief device shall not terminate in any building nor beneath any building.

b. Aboveground containers shall be provided with safety relief valves as follows:

- 1. The rate of discharge, which may be provided by one or more valves, shall be not less than that specified in Appendix A.
- 2. The discharge from safety relief valves shall be vented to the open air unobstructed and vertically upwards in such a manner as to prevent any impingement of escaping gas upon the containers; loose fitting rain caps shall be used. On a container having a water capacity greater than two thousand gallons, the discharge from the safety relief valves shall be vented away from the containers vertically upwards to a point at least seven feet above the container. Suitable provisions shall be made so that any liquid or condensate that may accumulate inside of the relief valve or its discharge pipe will not render the valve inoperative. If a drain is used, a means shall be provided to protect the container, adjacent containers, piping or equipment against impingement of flame resulting from ignition of product escaping from the drain. [See B.10 "i".]

c. Underground containers shall be provided with safety relief valves as follows:

- 1. The discharge from safety relief valves shall be piped vertically upward to a point at least ten feet above the ground. The discharge lines or pipes shall be adequately supported and protected against physical damage.
- 2. Where there is a probability of the manhole or housing becoming flooded, the discharge from regulator vent lines should be above the highest probable water level.
- 3. If no liquid is put into a container until after it is buried and covered, the rate of discharge of the relief valves may be reduced to not less than thirty percent of the rate shown in Appendix A. If liquid fuel is present during installation of containers, the rate of discharge shall be the same as for aboveground

containers. Such containers shall not be uncovered until emptied of liquid fuel.

**7.4—Capacity of Liquid Containers.**

Individual liquid storage containers shall not exceed 30,000 gallons water capacity.

**7.5—Installation of Storage Containers.**

a. General.

1. Each storage container used exclusively in service station operation shall comply with the following table which specifies minimum distances to a building, groups of buildings and adjoining property lines which may be built upon:

Water Capacity per Container	Minimum Distances	
	Aboveground and Underground	Between Aboveground Containers
Up to 2,000 gallons	25 feet	3 feet
Over 2,000 gallons	50 feet	5 feet

The above distances may be reduced to not less than ten feet for service station buildings of other than wood frame construction.

2. In heavily populated or congested areas, the authority having jurisdiction shall determine restrictions of individual tank capacity, total storage, and distance to line of adjoining property which may be built on and other reasonable protective methods.

3. Readily ignitable material including weeds and long dry grass shall be removed within ten feet of containers.

4. The minimum separation between LP-Gas containers and flammable liquid tanks shall be twenty feet and the minimum separation between a container and the center line of the dike shall be ten feet.

5. LP-Gas containers located near flammable liquid containers shall be protected against the flow or accumulation of flammable liquids by diking, diversion curbs, or grading.

6. LP-Gas containers shall not be located within diked areas for flammable liquid containers.

7. Field welding is permitted only on saddle plates or brackets which were applied by the container manufacturer.

8. When permanently installed containers are interconnected, provision shall be made to compensate for expansion, contraction, vibration and settling of containers and interconnecting piping. Where flexible connections are used, they shall be of an approved type and shall be designed for a bursting pressure of not less than five times the vapor pressure of the product at one hundred degrees F. The use of nonmetallic hose is prohibited for interconnecting such containers.

9. Where high water table or flood conditions may be encountered protection against container flotation shall be provided.

b. Aboveground Containers.

1. Containers may be installed horizontally or vertically.

2. Containers shall be protected by crash rails or guards to prevent physical damage unless they are so protected by virtue of their location. Vehicles shall not be serviced within ten feet of containers.

3. Container foundations shall be of substantial masonry or other noncombustible material. Containers shall be mounted on saddles which shall permit expansion and contraction, and shall provide against the excessive concentration of stresses. Corrosion protection shall be provided for tank mounting areas. Structural metal container supports shall be protected against fire in an approved manner. This protection is not required on prefabricated storage and pump assemblies, mounted on a common base, with container bottom not more than twenty-four inches aboveground and whose water capacity is one thousand two hundred gallons or less.

**c. Underground Containers.**

1. Containers shall be given a protective coating before being placed underground. This coating shall be equivalent to hot dip galvanizing or to two coatings of red lead followed by a heavy coating of coal tar or asphalt. In lowering the container into place, care shall be exercised to minimize abrasion or other damage to the coating. Damage to the coating shall be repaired before backfilling.

2. Containers shall be set on a firm foundation (firm earth may be used) and surrounded with earth or sand firmly tamped in place. Backfill should be free of rocks or other abrasive materials.

3. A minimum of two feet of earth cover should be provided. Where ground conditions make compliance with this requirement impractical, equivalent protection against physical damage shall be provided. The portion of the container to which manhole and other connections are attached need not be covered. If the location is subjected to vehicular traffic, containers shall be protected by a concrete slab or other cover adequate to prevent the weight of a loaded vehicle imposing concentrated direct loads on the container shell.

**7.6—Protection of Container Fittings.**

a. Valves, regulators, gauges, and other container fittings shall be protected against tampering and physical damage. The use of other than frangible shank type locks is not desirable because it prevents access to gas controls in case of emergency.

**7.7—Transport Truck Unloading Point.**

a. During unloading, the transport truck shall be parked clear of public thoroughfares (see B.15) and at least twenty feet from storage container.

b. The filling pipe inlet terminal shall not be located within a building nor within ten feet of any building or driveway. It shall be protected against physical damage.

**7.8—Piping, Valves and Fittings.**

a. Piping may be underground, aboveground, or a combination of both. It shall be well-supported and protected against physical damage and corrosion.

b. Piping laid beneath driveways shall be installed to prevent physical damage by vehicles.

c. Piping shall be wrought iron or steel (black or galvanized), brass or copper pipe; or seamless copper, brass or steel tubing and shall be suitable for a minimum working pressure of two hundred fifty p.s.i.g. Pipe joints may be screwed, flanged, brazed or welded.

d. All shut-off valves (liquid or gas) shall be suitable for liquefied petroleum gas service and designed for not less than the maximum pressure to which they may be subjected. Valves which may be subjected to container pressure shall have a rated working pressure of at least two hundred fifty p.s.i.g.

e. All materials used for valve seats, packing, gaskets, diaphragms, etc., shall be resistant to the action of LP-Gas.

f. Fittings shall be steel, malleable iron or brass having a minimum working pressure of two hundred fifty p.s.i.g. Cast iron pipe fittings, such as ells, tees, and unions shall not be used.

g. All piping shall be tested after assembly and proved free from leaks at not less than normal operating pressures.

h. Provision shall be made for expansion, contraction, jarring and vibration, and for settling. This may be accomplished by flexible connections.

**7.9—Pumps and Accessories.**

All pumps and accessory equipment shall be suitable for LP-Gas service, and designed for not less than the maximum pressure to which they may be subjected. Accessories shall have a minimum rated working pressure of two hundred fifty p.s.i.g. Positive displacement pumps shall be equipped with suitable pressure actuated by-pass valves permitting flow from pump discharge to storage container or pump suction.

**7.10—Dispensing Devices.**

a. Meters, vapor separators, valves, and fittings in the dispenser shall be suitable for LP-Gas service and shall be designed for a minimum working pressure of two hundred fifty p.s.i.g.

b. Pumps used to transfer LP-Gas shall be equipped to allow control of the flow and to prevent leakage or accidental discharge. Means shall be provided outside the dispensing device to readily shut off the power in the event of fire or accident.

c. A manual shut-off valve and an excess flow check valve shall be installed downstream of the pump and ahead of the dispenser inlet.

**d. Dispensing hose.**

1. Hose shall be resistant to the action of LP-Gas in the liquid phase and designed for a minimum bursting pressure of one thousand two hundred fifty p.s.i.g.

2. An excess flow check valve or automatic shut-off valve shall be installed at the terminus of the liquid line at the point of attachment of the dispensing hose.

**e. Location.**

1. LP-Gas dispensing devices shall be located not less than ten feet from aboveground stor-

age containers greater than two thousand gallons water capacity. The dispensing devices shall not be closer than twenty feet to the nearest basement or cellar, pit, building, sidewalk, street or thoroughfare, or property line. Every effort should be made to avoid the use of pits. No drains or blow-off lines shall be directed into or in proximity to the sewer systems used for other purposes.

2. LP-Gas dispensing devices shall be installed on a concrete foundation or as part of a complete storage and dispensing assembly mounted on a common base, and shall be adequately protected from physical damage.

3. LP-Gas dispensing devices shall not be installed within a building except that they may be located under a weather shelter or canopy provided this area is not inclosed on more than two sides. If the inclosing sides are adjacent to each other, the area shall be properly ventilated.

f. The dispensing of LP-Gas into the fuel container of a vehicle shall be performed by a competent attendant who shall remain at the LP-Gas dispenser during the entire transfer operation.

#### 7.11—Safety Rules.

There shall be no smoking on the driveway of service stations in the dispensing areas or transport truck unloading areas. Conspicuous signs prohibiting smoking shall be posted within sight of the customer being served. Letters on such signs shall be not less than four inches high. The motors of all vehicles being fueled, shall be shut off during the fueling operations.

#### 7.12—Electrical.

Electrical equipment shall conform with Article 510, Section 5120 of the National Electrical Code or its equivalent.

#### DIVISION VIII INSTALLATION OF LIQUEFIED PETROLEUM GAS PIPING AND LIQUEFIED PETROLEUM GAS APPLIANCES IN BUILDINGS

#### 8.1—General.

a. No person, unless in the employ of the gas distributing company or having permission from such company, shall repair, alter, open or make connection to the building piping system.

b. Installation of all gas piping or gas appliances shall be performed with gas turned off to eliminate hazards from escape of gas.

c. The service line from containers shall enter the building above the grade level. [Amended January 15, 1960]

#### 8.2—Piping, Tubing and Fittings.

a. Piping shall be wrought iron or steel (black or galvanized), brass or copper pipe, or seamless copper, brass, steel or aluminum tubing. All piping or tubing shall be suitable for a working pressure of not less than one hundred twenty-five pounds per square inch. Copper tubing may be of the standard grade K or L, or equivalent having a minimum wall thickness of 0.032 inches. Aluminum tubing

shall not be used in exterior locations or where it is in contact with masonry or plaster walls or insulation.

b. Pipe joints may be screwed, flanged, welded, soldered or brazed with a material having a melting point exceeding one thousand degrees F. For operating pressures of one hundred twenty-five pounds per square inch gauge or less, fittings shall be designed for a pressure of at least one hundred twenty-five pounds per square inch gauge. For operating pressures above this, fittings shall be designed for a minimum of two hundred fifty pounds per square inch gauge. Cast iron fittings shall be prohibited. Joints on seamless copper, brass, steel or nonferrous gas tubing shall be made by means of approved gas tubing fittings, or soldered or brazed with a material having a melting point exceeding one thousand degrees F.

c. Gas appliances may be connected with seamless metal tubing connectors meeting the following requirements, except that these requirements shall in no way restrict or otherwise affect the use of copper tubing or any other piping when material, fittings, and installation comply with all other requirements of these rules:

1. End fittings shall be screw type or union type permanently attached.

2. The method of attaching tubing connectors to the house piping and the gas appliance shall conform with paragraph 2 "b".

d. After installation, the piping and tubing of all domestic and commercial systems shall be tested, at not less than normal operating pressure, and proved free of leaks, using a manometer or other equivalent device that will indicate a drop in pressure. Test shall not be made with a flame.

#### 8.3—Installation of Piping and Tubing.

a. Provision shall be made for expansion, contraction, jarring and vibration, and for settling. This may be accomplished by flexible connections.

b. Piping or tubing shall be well supported and protected against physical damage.

c. Where condensation may occur, the piping shall be pitched back to the container, or suitable means shall be provided for vaporization of the condensate.

d. Compounds used in making up joints shall be resistant to the action of LP-Gases.

e. Tubing shall not be run inside walls or partitions, unless protected against mechanical injury. This rule does not apply to tubing which is run through walls or partitions.

f. Gas piping shall not be used as a ground for any electrical system, nor shall piping be located in the same conduit with electrical wiring.

g. Piping shall be of such size and so installed as to provide a supply of gas sufficient to meet the maximum demand without undue loss of pressure between the source and the appliance or appliances. The size of gas pipe depends upon the following factors:

1. Allowable loss in pressure from source to appliance.

2. Maximum gas consumption to be provided for.

3. Length of pipe and number of fittings.

4. Specific gravity of the gas.

*h.* Piping or tubing should be free of loose scale, dirt, dust, or other foreign material at the time of appliance installation.

*i.* Defective pipe or tubing or fittings shall not be repaired but such section or fittings shall be replaced.

*j.* Pipe, fittings, valves, etc., removed from any existing installation shall not be again used until they have been thoroughly cleaned, inspected, and ascertained to be suitable for the service.

*k.* Pipe with threads which are stripped, chipped, corroded, or otherwise damaged shall not be used. If a weld opens during the operation of cutting or threading, that portion of the pipe shall not be used.

*l.* Gas pipe or tubing inside any building shall not be run in or through an air duct, clothes chute, chimney or flue, ventilating duct, dumb waiter or elevator shaft, except proper ducts for the purpose.

*m.* Each outlet, including a valve or cock outlet, shall be securely closed gas-tight with a positive plug or cap if appliance is not to be connected at that time. When an appliance is removed from an outlet and the outlet is not to be reconnected at that time, it shall be securely closed gas-tight. In no case shall the outlet be closed with tin caps, wooden plugs, corks, etc.

*n.* No device shall be placed inside the gas pipe or fittings that will reduce the cross-sectional area or otherwise obstruct the free flow of gas.

*o.* Before turning gas under pressure into any piping, all openings from which gas can escape shall be closed.

*p.* Piping in floors: Gas piping in solid floors such as concrete shall be laid in channels in the floor, suitably covered to permit access to the piping with a minimum of damage to the building. [Amended January 15, 1960]

#### 8.4—Use of Approved Appliances.

*a.* New domestic and commercial gas-consuming appliances shall not be installed unless their correctness as to design, construction and performance is certified by one of the following:

1. Determined by a nationally recognized testing agency, adequately equipped and competent to perform such services, and shall be evidenced by the attachment of its seal or label to such gas appliances. This agency shall be one which maintains a program of national inspection of production models of gas appliances at least once each year on the manufacturer's premises. Approval by the American Gas Association Laboratories, as evidenced by the attachment of its listing symbol

or Approval Seal to gas appliances and a certificate or letter certifying approval under the above-mentioned requirements, or listing by Underwriters' Laboratories, Inc., shall be considered as constituting compliance with the provisions of this section.

2. Approval by the state fire marshal.

*b.* Any appliance that was originally manufactured for operation with a gaseous fuel other than LP-Gas and is in good condition may be used with LP-Gas only after it is properly converted, adapted and tested for performance with LP-Gas before the appliance is placed in use.

*c.* Any automatically controlled domestic appliances, except ranges, shall be equipped with an automatic pilot, complete shut-off type. Manually controlled water heaters shall also be so equipped.

#### 8.5—Appliance Installation Requirements.

*a.* Air for Combustion.

1. Appliances shall be installed in a location in which the facilities for ventilation permit satisfactory combustion of gas and proper venting, under normal conditions of use. While all forms of building construction cannot be covered in detail, this requirement may usually be met by application of one of the following methods in ordinary building construction:

(*a*) In buildings of conventional frame, brick, or stone construction without inclosed appliance rooms, basement storm windows, or tight stair doors, infiltration is normally adequate to provide air for combustion and draft hood dilution.

(*b*) Where appliances are installed in a confined space within a building having inadequate air infiltration, provisions shall be made for supplying this space with air for combustion and ventilation. This may be accomplished through use of two permanent openings freely communicating with interior areas of adequate infiltration in accordance with Appendix A or by compliance with provisions of paragraph 5 "a" 1 (*c*). If necessary, continuous ducts having cross-sectional areas equal to the openings shall be utilized to communicate with the source of air supply. The minimum dimension of rectangular air ducts shall be not less than three inches.

(*c*) Where appliances are installed in a confined space within a building of unusually tight construction, air for combustion and ventilation must be obtained from outdoors or from spaces freely communicating with the outdoors, ventilated crawl space or attic. Under these conditions, the openings shall be replaced by two openings having a combined area of not less than one square inch per one thousand B.t.u. per hour of input rating. One opening shall be near the top of the inclosure and one near the bottom. These openings shall be of approximately equal area and shall communicate with the selected source or sources of adequate air supply, by ducts. Where ducts are required, they shall be continuous and of

the same cross-sectional area as the openings to which they connect. The minimum dimension of rectangular air ducts shall be not less than three inches. Any duct from the top opening must be horizontal or pitched upward.

(d) Where appliances are installed in unconfined spaces, such as a full basement, within a building of unusually tight construction, air for combustion and ventilation must be obtained from outdoors or from spaces freely communicating with the outdoors. Under these conditions a permanent opening or openings having a total free area of not less than one square inch per one thousand B.t.u. per hour of input rating shall be provided. Where ducts are required, they shall be of the same cross-sectional area as the openings to which they connect. The minimum dimension of rectangular air ducts shall be not less than three inches.

(e) Operation of exhaust fans, kitchen ventilation systems or fireplaces may create conditions requiring special attention to avoid unsatisfactory appliance operation.

b. Gas appliances shall not be installed in any location where flammable vapors are likely to be present, unless the design, operation and installation are such as to eliminate the possible ignition of the flammable vapors.

c. Every appliance shall be located so that it will be readily accessible for operation and servicing.

d. Gas appliances shall be adequately supported and so connected to the piping as not to exert undue strain on the connections.

e. No device or attachment shall be installed on any appliance which may in any way impair the combustion of gas.

f. Any combination of appliances, attachments or devices used together in any manner shall comply with the standards which apply to the individual appliance.

g. Where air or oxygen under pressure is used in connection with the gas supply, effective means shall be provided to prevent air or oxygen from passing back into the gas piping.

h. Nonportable appliances shall be connected with gas piping or tubing or combinations thereof as set out in section 2, paragraph "a".

i. Only appliances which are fully portable in nature shall be connected with gas hose. Appliances equipped with a control valve or valves which permit complete shut-off of the gas supply shall not be connected with gas hose. This requirement does not apply to hand torches, gas irons and other equipment which require both the mobility possible only with flexible connections and frequent and accurate burner control at the point of use. Gas hose should not be confused with tubing or appliance connectors of flexible metal tubing and fittings.

j. Only listed gas hose shall be used. Listed gas hose shall be used only in accordance with the terms of its listing. Gas hose shall not be used where it is likely to be subject

to excessive temperatures (above one hundred twenty-five degrees F.).

k. Where gas hose connection is made, a gas shut-off valve shall always be provided on the supply piping where the hose is attached. When gas hose is used with an appliance having a valve on the inlet of the appliance, the valve shall be removed so that the user is compelled to use the valve at the pipe and except as provided by paragraph 5 "i". A gas shut-off valve which constitutes the only means of gas control shall be easily accessible and within convenient reaching distance when operating the burner of the appliance.

l. Gas hose shall be of adequate capacity, gas tight, and so designed as to permit the secure attachment to the nozzles of fully portable appliances which do not require mobility during operation and to hose end valves connected to the house piping. Where the gas hose is equipped with rubber slip end connections, the gas shut-off valve at the house piping shall be a hose end gas valve or shall have a standard hose end nozzle attached to it. Where an appliance requires mobility during operation, such as a gas iron or hand torch, and is always used in the same location, the gas hose shall be permanently attached at the supply end by a threaded or other secure metal connection, and the appliance end shall be provided with a secure metal joint, which can be conveniently made and separated.

m. Where gas hose is used, it shall be of the minimum practical length and shall not extend from one room to another nor pass through any walls, partitions, ceilings or floors. Under no circumstances shall gas hose be concealed from view or used in a concealed location.

n. No devices employing or depending upon an electrical current shall be used to control or ignite a gas supply if of such a character that failure of the electrical current could result in the escape of unburned gas or in failure to reduce the supply of gas under conditions which would normally result in its reduction unless other means are provided to prevent the development of dangerous temperatures, pressures or the escape of gas.

o. The gas piping shall not be used for an electrical ground nor shall electric circuits utilize gas piping, casing of controls, panels or other metal parts in lieu of wiring. This provision shall not apply to low voltage control and ignition circuits, and to electronic flame detection device circuits incorporated as part of the appliance.

p. The electrical circuit employed for operating the automatic main gas-control valve, automatic pilot, room temperature thermostat, limit control or other electrical devices used with the gas appliance shall be in accordance with the wiring diagrams supplied with the appliance.

q. All gas appliances using electrical controls shall have the controls connected into a permanently live electric circuit, i.e., one that is not controlled by a light switch. It is recom-

mended that central heating gas appliances for domestic use be provided with separate electrical circuit.

r. A room temperature thermostat should not be exposed to heat from nearby radiators, fireplaces, radios, lamps, rays of the sun, or mounted on a wall containing pipes or warm air ducts, or a flue or vent, which would affect its operation and prevent it from properly controlling the room temperature.

s. Any hole in the plaster or panel through which the wires pass from the thermostat to the appliance being controlled shall be adequately sealed with suitable material to prevent drafts from affecting the thermostat.

**8.6—Domestic Ranges.**

a. The location of a domestic gas range

TABLE 1—MINIMUM CLEARANCE FOR LISTED DOMESTIC GAS RANGES

Type of Range	Spacing of Top Burner Opening From Side of Range	Distance from Combustible Construction—Inches			
		Sides		Rear	
		Wall Not Extending Above Cooking Top	Wall Extending Above Cooking Top	Body of Range	Projecting Flue Box
A Uninsulated	.....	6	6	6	1
B Insulated	Less than 5 in.	½	3	1	1
Insulated	5 in. or more	½	½	1	1
C Flush to Wall	Less than 5 in.	Flush	3	Flush	.....
Flush to Wall	5 in. or more	Flush	Flush	Flush	.....

b. Where a flue or vent connector is attached to a domestic gas range, suitable provisions shall be made for the protection of adjacent combustible construction from excessive temperatures. [See paragraph 26 "g".] By combustible construction is meant a combustible surface constructed of wood, composition, or of wooden studding and wood lath and plaster.

c. Domestic gas ranges shall have a vertical clearance above the cooking top of not less than thirty-six inches to combustible construction. When the underside of such combustible construction is protected with asbestos mill board at least one-fourth-inch thick, covered with sheet metal of not less than No. 28 U. S. Gauge, the distance shall be not less than twenty-four inches. The protection shall extend nine inches beyond the sides of the range.

d. All gas ranges shall be installed so that the cooking top and oven racks are level.

e. Bungalow type domestic gas ranges or dual oven type combination gas ranges shall be spaced from combustible construction and otherwise installed in accordance with the standards applying to the supplementary fuel section of the range.

**8.7—Water Heaters.**

a. Water heaters shall not be installed in bathrooms or bedrooms, unless vented in compliance with section 27.

shall be such as not to constitute a hazard to persons or property. In the application of this requirement, appropriate consideration shall be given to the design and construction of the range and the combustibility of the floor, wall or partition. Listed domestic gas ranges [except bungalow and dual oven type combination gas ranges, for which see paragraph 6 "e"] when installed on combustible floors shall be set on their own bases or legs and shall be installed with clearances not less than shown in Table 1. In no case shall the clearance be such as to interfere with the requirements for combustion air and accessibility. See paragraphs 5 "a" and 5 "c." Unlisted domestic gas ranges shall be installed with at least a six-inch clearance from back and sides. Combustible floors under unlisted ranges shall be protected.

b. Water heaters shall be located as close as practicable to the flue or vent. They should be so located as to provide short runs of piping to fixtures.

c. Listed gas-fired water heaters shall be positioned in relation to combustible construction with a minimum clearance in accordance with Table 2. In no case shall the clearances be such as to interfere with the requirements for combustion air and accessibility. See paragraphs 5 "a" and 5 "c." Unlisted water heaters shall be installed with a clearance of twelve inches on all sides and rear. Combustible floors under unlisted water heaters shall be protected.

TABLE 2  
MINIMUM CLEARANCES FOR LISTED GAS-FIRED WATER HEATERS

Type of Heater	Distance from Combustible Construction —Inches	
	Nearest Part of Jacket	Flat Side
Type A	6	....
Type B	2	....
Type C	....	Flush
Type A—Miscellaneous (including circulating tank, instantaneous uninsulated underfired).		
Type B—Underfired, insulated automatic storage heaters.		
Type C—Type B units with one or more flat sides and tested for installation flush to wall.		

d. Water heaters shall be connected in a manner to permit observation, maintenance and servicing.

e. No water heater shall be installed in a closed system of water piping unless an approved water pressure relief valve is provided.

f. The installation and adjustment of temperature, pressure, and vacuum relief valves or combinations thereof, and automatic gas shut-off valves shall be in accordance with the requirements of the proper administrative authority, or, with the manufacturer's instructions accompanying such devices.

g. The water supply to any automatic instantaneous water heater shall be such as to provide sufficient pressure to properly operate the water valve, when drawing hot water from a faucet on the top floor.

h. The method of connecting the circulating water heater to the tank shall assure proper circulation of water through the heater, and permit a safe and useful temperature of water to be drawn from the tank.

i. The size of the water circulating piping, in general, shall conform with the size of the water connections of the heater.

j. A suitable water valve or cock, through which sediment may be drawn off or the tank emptied, shall be installed at the bottom of the tank.

k. Means acceptable to the proper administrative authority shall be provided to prevent syphoning in any boiler or tank to which any circulating water heater is attached. A cold water tube with a hole near the top is commonly accepted for this purpose.

**8.8—Room or Space Heaters.**

a. A room or space heater shall be placed so as not to cause a hazard to walls, floors, curtains, furniture, doors when open, etc., and to the free movements of persons within the room. Appliances designed and marked "For use in incombustible fire-resistive fireplace only," shall not be installed elsewhere. Listed room or space heaters shall be installed with clearances not less than specified in Table 3, except that appliances listed for installation at lesser clearances may be installed in accordance with their listings. In no case shall the clearances be such as to interfere with the requirements of combustion air and accessibility. [See paragraphs 5 "a" and 5 "c".]

b. Unlisted room or space heaters shall be installed with clearances from combustible construction not less than the following:

1. Circulating Type. Room heaters having an outer jacket surrounding the combustion chamber, arranged with openings at top and bottom so that air circulates between the inner and outer jacket and without openings in the outer jacket to permit direct radiation, shall have clearances at sides and rear of not less than twelve inches.

2. Radiating Type. Room heaters other than those described above as of circulating type shall have clearances at sides and rear of not

less than eighteen inches; except that heaters which make use of metal, asbestos or ceramic material to direct radiation to the front of the appliance shall have a clearance of thirty-six inches in front, and if constructed with a double back of metal or ceramic may be installed with a clearance of eighteen inches at sides and twelve inches at rear.

TABLE 3  
MINIMUM CLEARANCES FOR LISTED GAS-FIRED ROOM HEATERS  
Distance from Combustible Construction —Inches

Type	Jacket, Sides and Rear	Projecting Flue Box or Draft Hood
Warm Air Circulators	6	2
Radiant Heaters	6	2
Wall Heaters	Flush	....
Gas, Steam and Hot Water Radiators	6	2

3. Combustible floors under unlisted room or space heaters shall be protected.

**8.9—Wall Type Room Heaters.**

a. Wall type room or space heaters shall not be installed in walls of combustible construction unless approved for such installations.

b. Room or space heaters shall be vented as specified by section 23. It is recommended that room or space heaters installed in all sleeping quarters or rooms generally kept closed be vented to an effective flue or vent and equipped with an automatic pilot.

**8.10—Central Heating Boilers and Furnaces.**

a. Where a complete shut-off type automatic pilot system is not utilized a manual main shut-off valve shall be provided ahead of all controls except the manual pilot gas valve.

b. Where a complete shut-off type automatic pilot system is utilized, a manual main shut-off valve shall be provided ahead of all controls. A suitable manual valve shall be provided for shutting off the main burner gas independently of the pilot gas.

c. A union connection shall be provided downstream from the main manual shut-off valve to permit removal of the controls.

d. Listed central heating boilers and furnaces shall be installed with clearances not less than specified in Table 4, except that appliances listed for installation at lesser clearances may be installed in accordance with their listings. In no case shall the clearance be such as to interfere with the requirements for combustion air and accessibility. See paragraph 5 "a" and section 10 "f." Unlisted central heating boilers and furnaces shall be installed with clearances from combustible construction of not less than eighteen inches above the appliance and at sides, front and rear, and nine inches from projecting flue box or draft hood, except that the clearance above and at the sides and rear may be six inches for appliances of the following types:

1. Mechanical warm air furnaces which are automatically fired and equipped with a fan to circulate the air and with approved auto-



matic temperature limit controls that cannot be set higher than two hundred fifty degrees F.

2. Hot water and steam boilers operating at not over fifteen pounds gauge pressure, of water-wall type or having a jacket or lining of masonry or other satisfactory insulating material.

e. A central heating boiler or furnace shall be erected in accordance with the manufacturer's instructions and shall be installed on a firm, level, fire-resistive foundation unless listed for installation on a combustible floor, or the floor is protected in an approved manner.

f. The installation of central heating boilers and furnaces shall be such as to make them accessible for cleaning of heating surfaces, removal of burners, replacement of sections, motors, controls, filters, draft hoods and other working parts, and for adjustment and lubrication of parts requiring such attention.

TABLE 4  
MINIMUM CLEARANCES FOR LISTED CENTRAL HEATING BOILERS AND FURNACES

Type of Appliance	Distance from Combustible Construction—Inches			
	Above	Jacket Sides and Rear	Front	Projecting Box or Draft Hood
Boilers	6	6	18	6
Furnaces	18	6	18	6

A vertical clearance of six inches may be used with warm air furnaces equipped with mechanical means to circulate the air and with an approved temperature limit control that cannot be set higher than two hundred fifty degrees F.

g. The method of connecting the flow and return pipes on steam and hot water boilers shall facilitate a rapid circulation of steam or water.

h. A steam or hot water boiler shall be provided with a direct connection to a water supply through an individual control valve. A drain valve, by means of which the boiler may be flushed or drained, also shall be provided.

i. Steam and hot water boilers shall be provided with approved automatic devices to shut down the burner in the event of undue pressure or low water in a steam boiler or overheating in a hot water boiler.

j. A plenum chamber when not a part of a furnace shall be constructed in accordance with the manufacturer's instructions. The method of connecting supply and return ducts shall facilitate proper circulation of air.

### 8.11—Recessed Heaters.

a. Listed recessed heaters may be installed in combustible construction. Unlisted recessed heaters shall not be installed in combustible construction. Because of the necessity for closely correlating the installation of recessed heaters with the building construction, local administrative authorities shall be consulted for the proper installation methods to be followed. Recessed heaters should be

installed in accordance with the manufacturer's instructions.

b. Recessed heaters shall be located so as not to cause a hazard to walls, floors, curtains, furniture, doors, etc. Recessed heaters installed between bathrooms and adjoining rooms shall not circulate air from bathrooms to other parts of the building.

c. A manual main shut-off valve shall be installed ahead of all controls including the pilot gas valve.

d. The installation of recessed heaters shall be such as to make them accessible for cleaning of heating surfaces, removal of burners, replacement of sections, motors, controls, filters, and other working parts, and for adjustment and lubrication of parts requiring such attention. Panels, grilles and access doors which must be removed for normal servicing operations shall not be attached to the building construction.

e. Adequate combustion and circulating air shall be provided. [See paragraph 5 "a."]

### 8.12—Floor Furnaces.

a. Listed floor furnaces may be installed in combustible floors. Unlisted floor furnaces shall not be installed in combustible floors.

b. A separate manual main shut-off valve shall be provided ahead of all controls, and a union connection shall be provided downstream from this valve to permit removal of the controls of the floor furnace.

c. Fixed ventilation by means of a duct or grille, arranged to supply air from a permanently ventilated attic or underfloor space, shall be provided to any confined space which incloses the floor furnace. The duct or grille shall be screened and have a free area at least twice the free area of the vent collar of the floor furnace or one square inch per one thousand B.t.u. per hour of gas input, whichever is the greater, and shall be installed in such a manner as to insure proper combustion.

d. The following are requirements that will serve in properly placing the furnace or furnaces to serve one story:

1. No floor furnace shall be installed in the floor of any aisle or passageway of any auditorium, public hall or place of assembly, or in any exitway from any such room or space.

2. Walls and Corners: With the exception of wall-register models, a floor furnace shall not be placed closer than six inches to the nearest wall, and wall-register models shall not be placed closer than six inches to a corner.

3. Draperies: The furnace shall be so placed that a door, drapery, or similar object cannot be nearer than twelve inches to any portion of the register of the furnace.

4. Central Location: Generally speaking, the more central the location, the better, favoring slightly the sides exposed to the prevailing winter winds.

e. The floor around the furnace shall be braced and headed with a framework of material not lighter than the joists.

f. Means shall be provided to support the furnace when the floor grille is removed.

g. The lowest portion of the floor furnace shall have at least a six-inch clearance from the general ground level, except that where the lower six-inch portion of the floor furnace is sealed by the manufacturer to prevent entrance of water, the clearance may be reduced to not less than two inches. When these clearances are not present, the ground below and to the sides shall be excavated to form a "basin-like" pit under the furnace so that the required clearance is provided beneath the lowest portion of the furnace. A twelve-inch clearance shall be provided on all sides except the control side, which shall have an eighteen-inch clearance.

h. Provision shall be made for access to the furnace by means of an opening in the foundation wall of at least eighteen by twenty-four inches or through a trap door of at least twenty-four by twenty-four inches, located at some convenient point, and a clear and unobstructed passageway to the furnace at least eighteen inches high by twenty-four inches wide.

i. Whenever the excavation exceeds twelve inches or water seepage is likely, a water-tight copper pan, concrete pit, or other suitable material shall be used. A copper pan shall be made of not less than sixteen-ounce per square foot sheet copper. The pan shall be anchored in place, so as to prevent floating, and the walls shall extend at least four inches above the ground level, with twelve-inch clearances on all sides except the control side, which shall have eighteen-inch clearance. When the equipment is sealed by the manufacturer to meet this condition, the pan or pit may be omitted if not required for maintaining a dry condition for service access.

j. Floor furnaces shall be protected, where necessary, against severe wind conditions.

k. Listed gas floor furnaces may be installed in an upper floor provided the furnace assembly projects below into a utility room, closet, garage, or similar nonhabitable space. In such installations, the floor furnace shall be inclosed completely (entirely separated from the nonhabitable space) with means for air intake to meet the provisions of paragraph 12 "c" with access facilities for servicing on the control side with minimum furnace clearances of six inches to all sides and bottom, and with the inclosure constructed of Portland cement, plaster on metal lath or material of equal fire resistance.

### 8.13—Duct Furnaces.

a. Listed gas-fired duct furnaces shall be installed with clearances of at least six inches between adjacent walls, ceilings and floors of combustible construction and the appliance, projecting flue box or draft hood, except that duct furnaces listed for installation at lesser clearance may be installed in accordance with their listings. In no case shall the clearance be such as to interfere with the requirements for combustion air and accessibil-

ity. [See paragraphs 5 "a" and 13 "d."] Unlisted duct furnaces shall be installed with clearances to combustible construction in accordance with the requirements for central heating furnaces and boilers, paragraph 10 "b." Combustible floors under unlisted duct furnaces shall be protected.

b. A duct furnace shall be erected and firmly supported in accordance with the manufacturer's instructions.

c. The installation of duct furnaces shall be such as to make them accessible for cleaning the heating surfaces, removal of burners, replacement of sections, controls, draft hoods and other working parts, and for adjustment of parts requiring such attention.

d. The ducts connected to or inclosing duct furnaces shall have removable access panels on both upstream and downstream sides of the furnace.

e. The controls and draft hoods for duct furnaces shall be located outside the ducts. The draft hood shall be located in the same inclosure from which combustion air is taken.

f. Circulating air shall not be taken from the same inclosure in which the furnace is located.

g. Duct furnaces when used in conjunction with a refrigeration system shall not be located downstream from the evaporator coil.

### 8.14—Conversion Burners.

a. Installation of conversion burners shall conform to American Standard Requirements for Installation of Domestic Gas Conversion Burners or its equivalent.

### 8.15—Gas-Fired Unit Heaters.

a. Suspended type gas-fired unit heaters shall be safely and adequately supported with due consideration given to their weight and vibration characteristics.

b. Listed gas-fired unit heaters shall be installed with minimum clearances of six inches between the appliance, projecting flue box or draft hood and combustible construction. The control side of a unit heater shall be spaced not less than eighteen inches from any wall or partition. Unlisted unit heaters shall be installed with clearances to combustible construction of not less than eighteen inches. Combustible floors under unlisted floor mounted unit heaters shall be protected.

c. The location of any unit heater or the duct work attached thereto shall be such that a negative pressure will not be created in the room in which the unit heater is located.

d. A unit heater shall not be attached to a warm air duct system unless listed for such installation.

e. Unit heaters installed in garages for more than three motor vehicles or in aircraft hangers shall be of a type listed for such use and be installed at least eight feet above the floor.

### 8.16—Clothes Dryers.

a. Listed clothes dryers shall be installed

with minimum clearances of six inches from adjacent combustible construction, except that clothes dryers listed for installation at lesser clearances may be installed in accordance with their listings. A minimum clearance of sixteen inches shall be provided between the top of the flue and the lower surface of any combustible material located above the dryer. Unlisted clothes dryers shall be installed with clearances to combustible construction of not less than eighteen inches. Combustible floors under unlisted clothes dryers shall be protected.

b. Gas-fired clothes dryers installed for multiple family use shall be equipped with approved automatic pilots.

c. Exhaust Moisture. When gas-fired clothes dryers are installed within the living area of a dwelling, moisture exhaust ducts shall be installed in accordance with clearances for high temperature duct systems in accordance with NFPA Standards for the Installation of Residence Type Warm Air Heating and Air Conditioning Systems or its equivalent.

#### 8.17—Gas-Fired Incinerators.

a. Listed gas-fired incinerators shall be installed as close as practicable to a chimney and with at least twelve inches clearance between sides and combustible construction, except that appliances listed for installation at lesser clearances may be installed in accordance with their listing. In no case shall the clearance be such as to interfere with the requirements for combustion air and accessibility. [See paragraphs 5 "a" and 5 "d".] Incinerators of the wall type shall be installed in a noncombustible wall communicating directly with a chimney flue. Unlisted incinerators shall be installed with clearances to combustible construction of not less than eighteen inches and shall not be installed on combustible floors unless the floor under the appliance is protected.

b. No draft hood shall be connected into the smoke pipe of an incinerator. Where conditions permit, it is preferable to have the smoke pipe connected to a separate chimney flue. [See paragraph 27 "g".]

c. Smoke pipes shall have at least eighteen inches clearance from combustible construction and shall not pass through combustible construction unless guarded at the point of passage, as specified in paragraph 26 "h" 1.

d. The smoke pipe from an incinerator to a Type A flue or vent shall be galvanized steel of a thickness at least No. 24 U. S. Standard Gauge, or of material having equivalent or superior heat and corrosion resistant properties, and the joints shall be secured by sheet metal screws.

#### 8.18—Gas Refrigerators.

a. Gas refrigerators shall be provided with adequate clearances for ventilation at the top and back. They shall be installed in accordance with the manufacturer's instructions. If such instructions are not available, at least two inches shall be provided between the

back of the refrigerator and the wall and at least a twelve-inch clearance above the top.

#### 8.19—Hot Plates and Laundry Stoves.

a. Listed domestic hot plates and laundry stoves when installed on combustible surfaces shall be set on their own legs or bases. They shall be installed with minimum horizontal clearances of six inches from combustible construction. Unlisted domestic hot plates and laundry stoves shall be installed with horizontal clearances to combustible construction of not less than twelve inches. Combustible surfaces under unlisted domestic hot plates and laundry stoves shall be protected.

b. The vertical distance between tops of all domestic hot plates and laundry stoves and combustible construction shall be at least thirty-six inches.

#### 8.20—Hotel and Restaurant Ranges, Deep-Fat Fryers and Unit Broilers.

a. Listed hotel and restaurant ranges, deep-fat fryers and unit broilers, when set on their own bases or legs, may be installed on unprotected combustible floors unless marked "For use only in fireproof locations."

b. Hotel and restaurant ranges, deep-fat fryers, and unit broilers, which are not listed for mounting on a combustible floor shall be mounted on fire-resistive floors or be mounted in accordance with one of the following paragraphs, or in some manner substantially equivalent thereto that is acceptable to the administrative authority.

1. Where the appliance is set on legs which provide not less than eighteen inches open space under the base of the appliance, or where it has no burners and no portion of any oven or broiler within eighteen inches of the floor, it may be mounted on a combustible floor without special floor protection, provided there is at least one sheet metal baffle between the burner and the floor.

2. Where the appliance is set on legs which provide not less than eight inches open space under the base of the appliance, it may be mounted on combustible floors, provided the floor under the appliance is protected with not less than three-eighths inch asbestos mill board covered with sheet metal of not less than twenty-four U. S. Standard Gauge. The above specified floor protection shall extend not less than six inches beyond the appliance on all sides.

3. Where the appliance is set on legs which provide not less than four inches under the base of the appliance, it may be mounted on combustible floors, provided the floor under the appliance is protected with hollow masonry not less than four inches in thickness covered with sheet metal of not less than twenty-four U. S. Standard Gauge. Such masonry courses shall be laid with ends unsealed and joints matched in such a way as to provide for free circulation of air through the masonry. The hollow masonry shall be kept in place by a holding strip fastened to the floor on all four sides. The ends of hollow masonry shall

be not less than three inches from any wall or obstruction.

4. Where the appliance does not have legs at least four inches high, it may be mounted on combustible floors, provided the floor under the appliance is protected by two courses of four-inch hollow clay tile or equivalent with courses laid at right angles and with ends unsealed and joints matched in such a way as to provide for free circulation of air through such masonry courses and covered with steel plate not less than three-sixteenths-inch in thickness. The tile shall be kept in place by a holding strip fastened to the floor on all four sides. The ends of the tile shall be not less than three inches from any wall or obstruction.

c. Listed hotel and restaurant ranges, deep-fat fryers and unit broilers shall be installed at least six inches from combustible construction except that at least a two-inch clearance shall be maintained between the flue box or draft hood and combustible construction. Appliances designed and marked "For use only in fireproof locations" shall not be installed elsewhere.

d. Unlisted hotel and restaurant ranges, deep-fat fryers and unit broilers shall be placed not closer than eighteen inches to any combustible construction, unless such combustible construction is protected by sheet metal of not less than twenty-six U. S. Standard Gauge. This sheet metal shall be fastened to the combustible construction by thimbles, spaced at not less than two-foot vertical and horizontal intervals, and provide one and one-half-inch clearance between the sheet and combustible construction. In such cases, the clearance between the sheet and the appliance shall be not less than four and one-half inches. Where sheet metal protection is used, the protection shall extend at least twelve inches beyond the back, side, top or any other part of the appliance and the space between the sheet metal and combustible construction shall be open on both sides or top and bottom to permit circulation of air.

e. Any portion of combustible construction adjacent to a cooking top section of a hotel or restaurant range, even though certified for close-to-wall installation, which is not shielded from the wall by a high shelf, warming closet, etc., shall be protected as specified in paragraph 20 "d" for a distance of at least two feet above the surface of the cooking top.

f. All hotel and restaurant ranges, deep-fat fryers and unit broilers shall be installed level on a firm foundation.

g. Adequate means shall be provided to properly ventilate the space in which hotel and restaurant equipment is installed to permit proper combustion of the gas. When exhaust fans are used for ventilation, special precautions may be required to avoid interference with the operation of the equipment.

#### 8.21—Gas Counter Appliances.

a. A vertical distance of not less than forty-eight inches shall be provided between the top

of all commercial hot plates and griddles and combustible construction.

b. Listed gas counter appliances, such as commercial hot plates and griddles, food and dish warmers, coffee brewers and urns, waffle bakers and hot water immersion sterilizers, when installed on combustible surfaces shall be set on their own base or legs, and shall be installed with a minimum horizontal clearance of six inches from combustible construction.

c. Unlisted commercial hot plates and griddles shall be installed with a horizontal clearance from combustible construction of not less than eighteen inches. Unlisted gas counter appliances, such as coffee brewers and urns, waffle bakers and hot water immersion sterilizers, shall be installed with a horizontal clearance from combustible construction of not less than twelve inches. Gas counter appliances may be installed with lesser clearances than specified above where the combustible construction is protected in an approved manner. Unlisted food and dish warmers shall be installed with a horizontal clearance from combustible construction of not less than six inches. Combustible surfaces under unlisted gas counter appliances shall be protected.

#### 8.22—Portable Gas Baking and Roasting Ovens.

a. Listed portable gas baking and roasting ovens shall be installed at least six inches from combustible construction, except that at least a two-inch clearance shall be maintained between the flue box or draft hood and combustible construction. Appliances designed and marked "For use only in fireproof locations" shall not be installed elsewhere. Unlisted portable baking and roasting ovens shall be installed with clearances to combustible construction of not less than eighteen inches. Combustible floors under unlisted portable gas baking and roasting ovens shall be protected.

#### 8.23—Venting of Appliances.

a. Room heaters in sleeping quarters for use of transients, or in institutions such as homes for the aged, sanatoriums, convalescent homes, orphanages, etc., shall be flue connected or otherwise vented to carry off the products of combustion.

b. Requirements for Venting. Gas appliances are here divided into three classifications:

Appliances required to be vented.

Appliances not required to be vented—no limitations.

Appliances not required to be vented—subject to limitations.

##### 1. APPLIANCES REQUIRED TO BE VENTED:

Appliances of the following types shall be flue or vent connected or provided with other approved means for exhausting the flue gases to the outside atmosphere:

A. Central heating appliances including steam and hot water boilers, warm air furnaces, floor furnaces and vented recessed heaters,

B. Unit heaters and duct furnaces,

C. Gas-fired incinerators,

D. Water heaters with inputs over five thousand B.t.u. per hour (see 23 "b" 3A for exceptions),

E. Room heaters listed for vented use only. (See 23 "a" covering installations in sleeping quarters and in institutions.) This includes the space heating sections of bungalow gas ranges,

F. Appliances equipped with gas conversion burners,

G. Appliances which have draft hoods supplied by the appliance manufacturer (except room heaters, listed for either vented or unvented use; see 23 "a" covering installations in sleeping quarters and in institutions—and water heaters; see 23 "b" 3A for exceptions), and

H. Unlisted appliances.

#### 2. APPLIANCES NOT REQUIRED TO BE VENTED—NO LIMITATIONS:

A. Listed gas ranges,

B. Listed hot plates and laundry stoves, and

C. Listed domestic clothes dryers (see 16 "c" covering installation requirements of clothes dryers).

#### 3. APPLIANCES NOT REQUIRED TO BE VENTED—SUBJECT TO LIMITATIONS:

A. Listed automatic storage type water heaters installed in full basements or private garages provided they comply with requirements outlined in paragraphs below:

B. Listed gas refrigerators,

C. Counter appliances,

D. Room heaters listed for unvented use (see 23 "a" prohibiting installations in sleeping quarters and in institutions), and

E. Other appliances listed for unvented use and not provided with flue collars.

The appliances named in 23 "b" 3 may be installed without flue or vent connections when the aggregate input rating (s) does not exceed thirty B.t.u. per hour per cubic foot of room or space in which they are installed. Where the room or space in which they are installed is directly connected to another room or space by a doorway, archway, or other opening of comparable size, which cannot be closed, the volume of such adjacent room or space may be included in the calculations.

#### 8.24—Draft Hoods.

a. Every vented appliance, except incinerators, dual oven type combination ranges, and units designed for power burners or for forced venting, shall have a draft hood. If the draft hood is not a part of the appliance or supplied by the appliance manufacturer, it shall be supplied by the installer and in the absence of other instructions shall be the same size as the appliance flue collar.

b. Where the draft hood is a part of the appliance or is supplied by the appliance manufacturer it shall be installed without alteration in accordance with the manufacturer's instructions. In the absence of manufacturer's instructions the draft hood shall be attached to the flue collar of the appliance or as near

to the appliance as conditions permit. In no case shall a draft hood be installed in a false ceiling, in a different room, or in any manner that will permit a difference in pressure between the draft hood relief opening and the combustion air supply.

c. A draft hood shall be installed in the position for which it was designed with reference to the horizontal and vertical planes and shall be so located that the relief opening is not obstructed by any part of the appliance or adjacent construction.

d. Where the installer must supply a draft hood of special design, advice of the local gas company or the state fire marshal as to its use should be secured.

#### 8.25—Types of Flues or Vents.

a. Type A flues or vents shall be employed for venting:

1. All incinerators.

2. All appliances which may be converted readily to the use of solid or liquid fuels.

3. All boilers and warm-air furnaces except where the proper administrative authorities approve the use of Type B gas flues or vents.

b. Type B gas flues or vents shall be used only with approved gas appliances which produce flue gas temperatures not in excess of five hundred fifty degrees F. at the outlet of the draft hood when burning gas at the manufacturer's normal input rating and not specified by paragraph 25 "a" to be vented to Type A flues or vents.

c. For the purpose of this provision listed appliances, with the exception of incinerators and conversion burners, may be accepted as producing flue gas temperatures not in excess of five hundred fifty degrees F. at the outlet of the draft hood.

d. Type C gas flues or vents shall be used only for runs directly from the space in which the appliance is located through the roof or exterior wall to the outer air. Such flues or vents shall not pass through any attic or concealed space nor through any floor. Installation with reference to clearance to combustible construction and passage through wall or roof shall comply with provisions of paragraphs 26 "g" and 26 "h" 1.

#### 8.26—Flue or Vent Connectors.

a. The material used for the flue or vent connector shall be resistant to corrosion and be of sufficient thickness to withstand damage. Where a question arises as to the suitability of a particular material, the state fire marshal shall be consulted.

b. The flue or vent connector shall be installed so as to avoid short turns or other constructional features which would create excessive resistance to the flow of flue gases.

c. The flue or vent connector shall maintain a pitch or rise from the appliance to the flue or vent. A rise as great as possible, at least one-fourth inch to the foot (horizontal length), shall be maintained. The horizontal run shall be free from any dips or sags.

d. Wherever sufficient headroom is available, appliances having a horizontal flue outlet shall be provided with a vertical run of flue or vent connector before the horizontal run. To minimize frictional resistance in the connector, it is recommended that forty-five degree elbows be used.

e. The horizontal run of the connector shall be as short as possible and the appliance shall be located as near the flue or vent as practicable. The maximum length of horizontal run shall not exceed seventy-five percent of the height of the flue or vent.

f. Flue or vent connectors shall be securely supported.

g. Where flue or vent connectors pass through partitions of combustible construction, ventilated thimbles shall be used. Minimum clearances from combustible construction to flue or vent connectors for listed appliances are shown in Table 5. For unlisted appliances the minimum clearance shall be nine inches from metal flue or vent connectors except for incinerators where the minimum clearance shall be eighteen inches.

**TABLE 5  
FLUE OR VENT CONNECTOR CLEARANCES  
FOR LISTED APPLIANCES**

Appliance	Minimum Distance from Combustible Construction	
	Metal Flue or Vent Connectors	Type B Flue or Vent Connectors
Boiler	6 inches	1 inch
Warm Air Furnace	6 inches	1 inch
Water Heater	6 inches	1 inch
Space Heater	6 inches	1 inch
Floor Furnace	9 inches	3 inches
Incinerator	18 inches	Not permitted

h. Flue or vent connectors, other than Type B, shall not pass through any combustible walls or partitions unless they are guarded at the point of passage by ventilated metal thimbles not smaller than the following:

1. For listed appliances, except floor furnaces and incinerators—four inches larger in diameter than the flue or vent connector, unless there is a run of not less than six feet of flue or vent connector in the open, between the draft hood outlet and the thimble, in which case the thimble may be two inches larger in diameter than the flue or vent connector.

2. For listed floor furnaces and all unlisted appliances, except incinerators—six inches larger in diameter than the flue or vent connector.

3. For incinerators—twelve inches larger in diameter than the flue or vent connector.

i. The flue or vent connector shall not be smaller than the size of the flue collar or the size of the outlet of the draft hood supplied by the manufacturer of a gas-designed appliance. Where the appliance has more than one flue outlet, and in the absence of the manufacturer's specific instructions, the flue or vent connector shall equal the combined area of the flue outlets for which it acts as a common connector to the flue or vent.

**TABLE 6  
CLEARANCES WITH SPECIFIED FORMS OF PROTECTION**

Type of Protection	Where the required clearance with no protection is:		
	6 Inches Clearance Reduced to	9 Inches Clearance Reduced to	18 Inches Clearance Reduced to
¼ in. asbestos millboard spaced out 1 in. with noncombustible spacers	3 inches	6 inches	12 inches
28 gauge sheet metal on ¼ in. asbestos millboard	2 inches	4 inches	12 inches
28 gauge sheet metal spaced out 1 in. with noncombustible spacers	2 inches	4 inches	9 inches

j. No manually operated damper shall be placed in any flue or vent connector. Fixed baffles ahead of draft hoods are not classified as dampers.

k. A flue or vent connector shall not be connected to a chimney flue having a fireplace opening unless the opening is permanently sealed.

**8.27—Flues or Vents (Natural Draft Venting).**

a. Before connecting a flue or vent connector, the flue or vent shall be examined to ascertain that it is properly constructed, clear, and will freely conduct the products of combustion to the outer air.

b. The flue or vent to which the flue or vent connector is connected shall in no case be less than the area of three-inch diameter pipe. When more than one appliance vents into a flue or vent, the flue or vent areas shall be not less than the area of the largest flue or vent connector plus fifty percent of the areas of the additional flue or vent connectors. An elliptical flue or vent may be used, provided its flue gas venting capacity is equal to the capacity of round pipe for which it is substituted.

c. The flue or vent shall extend high enough above the building or other neighboring obstruction so that wind from any direction will not strike the flue or vent from an angle above horizontal.

d. In entering a chimney flue, the connection shall be above the extreme bottom to avoid stoppage. Means shall be employed which will prevent the flue or vent connector from entering so far as to unduly restrict the space between its end and the opposite wall of the chimney. A thimble or slip joint may be used to facilitate removal of the flue or vent connector for cleaning.

e. Cleanouts shall be of such construction that they will remain tightly closed when not in use.

f. An automatically controlled gas appliance connected to a flue which also serves equipment for the combustion of solid or liquid fuel shall be equipped with an automatic pilot. A gas appliance flue or vent connector and a smoke pipe from an appliance burning another fuel may be connected into the same flue through separate openings, or may be connected through a single opening if joined by a Y fitting, located as close as practical to the flue. If two or more openings are provided into one flue they shall be at different levels.

**8.28—Outside Flues or Vents.**

a. When a flue or vent must be installed on the outside of the building, it shall be securely supported. A capped "tee" shall be installed at base of the riser, with an opening to drain off condensate. A suitable vent cap which does not obstruct or reduce the effective cross-sectional area of the flue or vent outlet shall be placed on top of the riser.

**8.29—Gas Meter Installation.**

a. Location.

1. Gas meters shall be installed as near as practicable to the point where the service enters the building and shall be so located as to be readily accessible for examination, reading and replacement.

2. The gas meter shall not be installed in a small, unventilated or confined space.

3. A gas meter shall not be placed where it will be subjected to damage, such as in drive-ways, public passages, halls, coal bins, etc., or where it will be subjected to excessive corrosion.

4. Gas meters shall be located at a safe distance from equipment where there is an unguarded flame, or the possibility of electric sparks. It is desirable to avoid extreme temperatures and sudden extreme changes in temperature.

5. All piping from the point where the service enters the building to the meter shall be exposed and accessible.

b. Gas Meter Supports.

1. Gas meters shall be adequately supported and connected to the piping so as not to exert undue strain on the connection.

c. Capacity of Meter.

1. The demand of common domestic appliances may be obtained from the nameplate on the appliance or from the manufacturer, and it is customary to allow a reasonable diversity factor to arrive at the simultaneous demand, or meter capacity required. In practice, it is customary to anticipate not more than one-half-inch water column drop in pressure through the meter.

APPENDIX A

Minimum Required Rate of Discharge in cubic feet per minute of air at one hundred twenty percent of the maximum permitted start to discharge pressure for safety relief valves to be used on containers other than those constructed in accordance with interstate commerce commission specification.

Surface area—Total outside surface area of container in square feet.

When the surface area is not stamped on the nameplate or when the marking is not legible, the area can be calculated by using one of the following formulas:

(1) Cylindrical container with hemispherical heads. Area=Overall length × outside diameter × 3.1416.

(2) Cylindrical container with semiellipsoidal heads. Area = (Overall length + .3 outside diameter) × outside diameter × 3.1416.

(3) Spherical container. Area=Outside diameter squared × 3.1416.

Flow Rate-CFM Air=Required flow capacity in cubic feet per minute of air at standard conditions, sixty degrees F. and atmospheric pressure (14.7 p.s.i.a.).

Surface Area Sq. Ft.	Flow Rate CFM Air	Surface Area Sq. Ft.	Flow Rate CFM Air	Surface Area Sq. Ft.	Flow Rate CFM Air
20	626	170	3620	600	10170
25	751	175	3700	650	10860
30	872	180	3790	700	11550
35	990	185	3880	750	12220
40	1100	190	3960	800	12880
45	1220	195	4050	850	13540
50	1330	200	4130	900	14190
55	1430	210	4300	950	14830
60	1540	220	4470	1000	15470
65	1640	230	4630	1050	16100
70	1750	240	4800	1100	16720
75	1850	250	4960	1150	17350
80	1950	260	5130	1200	17960
85	2050	270	5290	1250	18570
90	2150	280	5450	1300	19180
95	2240	290	5610	1350	19780
100	2340	300	5760	1400	20380
105	2440	310	5920	1450	20980
110	2530	320	6080	1500	21570
115	2630	330	6230	1550	22160
120	2720	340	6390	1600	22740
125	2810	350	6540	1650	23320
130	2900	360	6690	1700	23900
135	2990	370	6840	1750	24470
140	3080	380	7000	1800	25050
145	3170	390	7150	1850	25620
150	3260	400	7300	1900	26180
155	3350	450	8040	1950	26750
160	3440	500	8760	2000	27310
165	3530	550	9470		

The rate of discharge may be interpolated for immediate values of surface area. For containers with total outside surface area greater than 2,000 square feet, the required flow rate can be calculated using the formula, Flow Rate-CFM Air=53.632 A 0.82.

Where A=total outside surface area of the container in square feet.

Valves not marked "Air" have flow rate markings in cu. ft. per minute of liquefied petroleum gas that were calculated by using the factors listed below. These same factors may be used to reconvert to cu. ft. per minute of air for use in present Appendix A.

Air Conversion Factors  
Container Type

100	125	150	175	200
1.162	1.142	1.113	1.078	1.010

APPENDIX B  
MINIMUM REQUIRED RATE OF DISCHARGE FOR SAFETY RELIEF VALVES FOR LIQUEFIED PETROLEUM GAS VAPORIZERS (STEAM HEATED, WATER HEATED AND DIRECT FIRED.)

The minimum required rate of discharge for relief valves shall be determined as follows:

1. Obtain the total surface area by adding the surface area of vaporizer shell in square feet directly in contact with LP-Gas and the heat exchange surface area in square feet directly in contact with LP-Gas.

2. Obtain the minimum required rate of discharge in cubic feet of air per minute, at sixty degrees F. and 14.7 p.s.i.a. from Appendix A for this total surface area.

APPENDIX C  
METHOD OF CALCULATING MAXIMUM LIQUID VOLUME WHICH CAN BE PLACED IN A CONTAINER AT ANY LIQUID TEMPERATURE

The quantity of LP-Gas which may be placed in a container is dependent upon the temperature of the liquid and the maximum permitted filling density in addition to the size of the container.

The filling density depends on: The size of tank, whether it is installed aboveground or underground, and the specific gravity of the liquid LP-Gas at sixty degrees F. placed in the container. Filling density values are given in section B.12. The liquid temperature should be obtained by measuring the temperature of the liquid LP-Gas in the container with a thermometer placed in a thermometer well installed in the tank.

Knowing the liquid temperature and the filling density, the maximum volume of liquid LP-Gas which may be placed in a container can be determined as follows:

$$V = \frac{D}{G \times F}$$

Where

V=maximum liquid volume (in percent of total container capacity) which shall be placed in a container when the liquid temperature is T.

D=filling density from B.12 "a" in percent.

G=specific gravity of LP-Gas at sixty degrees F. placed in container.

F=correction factor found in table in NFPA Standards, pamphlet No. 58.

T=temperature of liquid LP-Gas in container in degrees Fahrenheit.

After obtaining V from the above formula the actual maximum gallons of LP-Gas which may be placed in a container is obtained by multiplying the water capacity of the container by V.

100

APPENDIX E  
METHOD OF CALCULATING MAXIMUM VOLUME OF LP-GAS WHICH CAN BE PLACED IN A CONTAINER FOR WHICH LENGTH OF FIXED DIP TUBE IS SET

1. It is impossible to set out in a table the length of a fixed dip tube for various capacity tanks because of the varying tank diameters and lengths and because the tank may be installed either in a vertical or horizontal position. Knowing the maximum permitted filling volume in gallons, however, the length of the fixed tube can be determined by the use of a strapping table obtained from the container manufacturer. The length of the fixed tube should be such that when its lower end touches the surface of the liquid in the container, the contents of the container will be

the maximum permitted volume as determined by the following formula:

2. Formula for determining maximum volume of Liquefied Petroleum gas for which a fixed length of dip tube shall be set.

Water Cap. (Gals.) of Container x Filling Density	Maximum = Volume of LP-Gas	
	Sp. Gr. of LP-Gas x volume Correction Factor x 100	
Specific Gravity	Volume Correction Factors Aboveground	Underground
0.500	1.033	1.017
.510	1.031	1.016
.520	1.029	1.015
.530	1.028	1.014
.540	1.026	1.013
.550	1.025	1.013
.560	1.024	1.012
.570	1.023	1.011
.580	1.021	1.011
.590	1.020	1.010

3. The maximum volume of liquefied petroleum gas which can be placed in a container when determining the length of the dip tube expressed as a percentage of total water content of the container is calculated by the following formula:

$$\frac{\text{Maximum Vol. of LP-Gas (From Formula in (2) above)} \times 100}{\text{Total water content of container in gallons}} = \text{Per Cent of LP-Gas}$$

4. The maximum weight of liquefied petroleum gas which may be placed in a container for determining the length of a fixed dip tube is determined by multiplying the maximum volume of liquefied petroleum gas obtained by the formula in (2) above by the pounds of liquefied petroleum gas in a gallon at forty degrees F. for aboveground and at fifty degrees F. for underground containers. For example typical pounds per gallon are specified below:

	Aboveground pounds per gallon	Underground pounds per gallon
Propane .....	4.37	4.31
N. Butane .....	4.97	4.92

[Filed August 21, 1957]

FLAMMABLE LIQUIDS CODE  
DIVISION I

Promulgated under authority of chapter 101 of the Code.

[Filed October 8, 1957]

Provisions of General Application

101—Definitions.

101-01 "Approved" is defined as being acceptable to the state fire marshal. Any equipment, device or procedure which bears the stamp of approval of or meets applicable standards prescribed by an organization of national reputation such as the Interstate Commerce Commission, Underwriters' Laboratories, Inc., Factory Mutual Laboratories, American Society for Testing Materials, National Board of Fire Underwriters, National Fire Protection Association, American Society of Mechanical Engineers, American Petroleum Institute or American Standards Association, which undertakes to test and approve or pro-



vide standards for equipment, devices or procedures of the nature prescribed in these regulations shall be deemed acceptable to the state fire marshal.

**101-02** "Barrel" shall mean a volume of forty-two U. S. gallons.

**101-03** "Crude Petroleum" shall mean hydrocarbon mixtures that have a flash point below one hundred fifty degrees F. and which have not been processed in a refinery.

**101-04** "Flammable Liquid" shall mean any liquid having a flash point below two hundred degrees F. and having a vapor pressure not exceeding forty pounds per square inch (absolute) at one hundred degrees F.

Flammable liquids shall be divided into three classes as follows:

**CLASS I** shall include those having flash points at or below twenty degrees F.

Typical examples are: Ether, gasoline, benzol, collodion, acetone, carbon disulphide (disulphide), methyl acetate.

**CLASS II** shall include those having flash points above twenty degrees F. but at or below seventy degrees F.

Typical examples are: Denatured alcohol, toluol, methyl alcohol.

**CLASS III** shall include those having flash points above seventy degrees F.

Typical examples are: Kerosene, amyl alcohol, turpentine, mineral spirits, stoddard solvent, fuel oil.

The volatility of flammable liquids is increased when artificially heated to temperatures equal to or higher than their flash points. When so heated Class II and III liquids shall be subject to the applicable requirements for Class I or II liquids. High flash point liquids which otherwise would be outside of the scope of these regulations, may be subjected thereto when they are so heated.

**101-05** "Flash Point" shall mean the minimum temperature in degrees Fahrenheit at which a flammable liquid will give off flammable vapor as determined by appropriate test procedure and apparatus as specified below.

The flash point of flammable liquids having a flash point below one hundred seventy-five degrees F. (seventy-nine degrees C.) shall be determined in accordance with the Standard Method of Test for Flash Point by Means of the Tag Closed Tester (A.S.T.M. D56-52).

The flash point of flammable liquids having a flash point of one hundred seventy-five degrees F. or higher shall be determined in accordance with the Standard Method of Test for Flash Point by Means of the Pensky-Martens Closed Tester (A.S.T.M. D93-52).

**101-06** "NFPA" means the National Fire Protection Association.

**101-07** "Vapor Pressure" shall mean the pressure, measured in pounds per square inch (absolute) exerted by a volatile liquid as determined by the "Standard Method of Test for Vapor Pressure of Petroleum Products (Reid Method)", (A.S.T.M. D323-55). This method is also the standard for the American Standards Association (A.S.A. Z11.44-1955).

**101-08** "Container" shall mean any can, bucket, barrel, drum or portable tank, except stationary tanks, tank vehicles, and tank cars. [Amended January 15, 1960]

**101-09** "Important Building" shall mean any structure having a total of at least two hundred square feet of floor area; or any structure, regardless of floor area, which is designed or used for human habitation or occupancy. [Amended January 15, 1960]

#### **102—Modifications.**

Modifications of the requirements of these regulations may be obtained upon application therefor in writing to the state fire marshal in individual cases (a) where specifically provided for in these regulations, (b) where strict compliance is impracticable or would result in hardship to the applicant and the departure sought would not constitute a distinct hazard to life or adjoining property and (c) to the extent necessary to permit replacement of existing facilities that are in unserviceable or hazardous condition.

#### **DIVISION II**

#### **STORAGE, HANDLING AND USE**

#### **CHAPTER I**

#### *General Provisions*

#### **101—Application and Scope.**

**101-01 Application:** These regulations shall apply to all persons, firms, corporations, co-partnerships, governmental agencies except Federal, and voluntary associations storing, handling or using flammable liquids, and to the owner or lessee of any building, premises, or equipment in or on which flammable liquids are stored, handled, or used.

**101-02 Scope:** The regulations in this division II shall apply to flammable liquids as hereinbefore defined; except that they shall not apply to the transportation of flammable liquids in bulk nor to transportation when in conformity with interstate commerce commission regulations or regulations lawfully on file with and approved by the interstate commerce commission.

#### **102—Retroactivity.**

**102-01** Insofar as the regulations in this division II cover operational practice or use of containers, they shall apply and be enforced as to all plants, stations, establishments and facilities, wherein or whereon flammable liquids are stored, handled or used, whether existing and in service as of the effective date of this act or subsequently established or placed in service. Regulations covering physical installations shall apply to all plants, stations, establishments and facilities erected or installed or first devoted to flammable liquid storage, handling, or use on or after the effective date of these regulations and, to the extent specifically provided for or to the extent necessary to eliminate any distinct hazard to life or adjoining property, shall apply to existing establishments and facilities devoted to storage, handling or use of flammable liquid prior to the effective date of these regulations. For purposes of this section, nonconformity

with the regulations in this chapter, existing as of the effective date thereof,

(1) With respect to the location or arrangement of buildings, tanks, platforms or docks, or to spacing or clearances between these installations or between these installations and adjoining property lines, shall not be deemed to be distinctly hazardous and may be allowed to continue;

(2) With respect to vents or pressure relief devices on tanks, control valves on tanks or in piping systems, ventilation or sources of ignition shall be deemed distinctly hazardous and shall be corrected or eliminated;

(3) Otherwise than as covered in 1 or 2 of this subsection -01 and otherwise than with respect to operational practice and container use shall be subject to evaluation as provided in subsection 102-02 before any order for the elimination thereof is issued.

At any plant, station or establishment existing and devoted to flammable liquid use as of the effective date of these regulations, existing nonconformity the continuance of which is allowed under the foregoing provisions shall not prevent the installation of additional or replacement facilities which in and of themselves are in conformity with these regulations.

**102-02** Where under the regulations in this division II the application of a requirement to an establishment or facility is conditioned upon a determination of need or upon a determination of whether the continuance of a nonconformity existing as of the effective date of these regulations will or will not constitute a distinct hazard, then before any determination is made or order issued in the premises, the proprietor of the establishment or facility to be affected shall be given an opportunity to be heard with at least ten days written notice of time and place. In the evaluation due consideration shall be given to all existing protection and fire safety devices and the extent to which they eliminate or modify the need or hazard.

**102-03 Correction or Elimination of Existing Nonconformity in Physical Installations:** Where required correction or elimination of existing nonconformity necessitates the obtaining and installation of additional devices or structural protection or the emptying or temporary nonuse of one or more facilities, then a reasonable time, considering the amount of work to be done, the availability of materials, and the need for continued operation of the facility, shall be allowed therefor. Provided that when work involving reconstruction or modernization of storage facilities is undertaken at a location then any required elimination or correction of nonconformity thereat shall be made in the course of such work. Provided, further, however, that where practical difficulties are encountered in accomplishing required elimination of nonconformity at any location, an extension or further extension beyond the time specified in any order therefor may be obtained upon

written application to the state fire marshal setting forth supporting facts.

**103—Approval of Plans for Installation for Storage, Handling or Use of Flammable Liquids.**

**103-01** Except as otherwise provided in paragraphs 1 and 2 of this subsection 103-01, before any construction of new or additional installation for the storage, handling or use of flammable liquids is undertaken in bulk plants, service stations and processing plants, drawings or blueprints thereof made to scale shall be submitted to the state fire marshal with an application, all in duplicate, for his approval. Within a reasonable time (ten days) after receipt of the application with drawings or blueprints, the state fire marshal will cause the same to be examined and if he finds that they conform to the applicable requirements of this division, as written or as modified pursuant to section 102 of division I, shall forthwith signify his approval of the application either by indorsement thereon or by attachment thereto, retain one copy for his files and return to the applicant the other copy plus any additional copies submitted by the applicant. If the drawings or blueprints do not conform to the applicable requirements of this division as written or as modified as aforesaid, he shall within the time aforesaid notify the applicant accordingly.

**103-01-1** If proposed construction or installation is to be located within a local jurisdiction which requires that a local permit be first obtained, the drawings or blueprints shall be submitted to the appropriate local official or body with the application for permit and then except in case of dispute need not be submitted to the state fire marshal. The local official or body, as a condition to the issuance of the permit, shall require compliance with the applicable requirements of this division as written or as modified pursuant to section 102 of division I. In the event of dispute as to whether the drawings or blueprints show conformity with the applicable requirements of this division as aforesaid the plans and drawings shall forthwith be submitted to the state fire marshal whose decision in the matter shall be controlling.

**103-02** Drawings shall show the name of the person, firm or corporation proposing the installation, the location thereof and the adjacent streets or highways.

**103-03** In the case of bulk plants the drawings shall show, in addition to any applicable features required under paragraphs 05 and 06 of this section, the plot of ground to be utilized and its immediate surroundings on all sides; complete layout of buildings, tanks, loading and unloading docks; type of construction of each building and the type and the location of heating devices therefor, if any.

**103-04** In the case of service stations, the drawings, in addition to any applicable features required under paragraphs 05 and 06 of this section, shall show the plot of ground

to be utilized; the complete layout of buildings, drives, dispensing equipment, greasing or washing stalls and the type and location of any heating device.

**103-05** In the case of aboveground storage, the drawing shall show the location and capacity of each tank; dimensions of each tank the capacity of which exceeds 50,000 gallons; the class of liquid to be stored in each tank; the type of tank supports; the clearances as covered in sections 202 and 203; the type of venting and pressure relief relied upon and the combined capacity of all venting and pressure relief valves on each tank, as covered in section 208; the tank control valves as covered in section 209; and the location of the pumps and other facilities by which liquid is filled into and withdrawn from the tanks.

**103-06** In the case of underground storage, the drawings shall show the location and capacity of each tank, class of liquid to be stored therein, together with the clearances and requirements covered in section 210; and the location of fill, gauge and vent pipes and openings as covered in section 215.

**103-07** In the case of an installation for storage, handling or use of flammable liquids within buildings or inclosures at any establishment or occupancy covered in this division, the drawings shall be in such detail as will show whether applicable requirements are to be met.

#### 104—Definitions.

**104-01** "Aircraft Service Station" shall mean that portion of an airport where flammable liquids used as aircraft fuel are stored or dispensed from fixed equipment and shall include all facilities essential thereto.

**104-02** "Automotive Service Station" shall mean that portion of a property where flammable liquids used as motor fuels are stored and dispensed from fixed equipment into the fuel tanks of motor vehicles.

**104-03** "Bulk Plant" shall mean that portion of a property where flammable liquids are received by tank vessel, pipelines, tank car, or tank vehicle, and are stored or blended in bulk for the purpose of distributing such liquids by tank vessel, pipeline, tank car, tank vehicle, or container but does not include a refinery.

**104-04** "Closed Container" shall mean a container as herein defined, so sealed by means of a lid or other device that neither liquid nor vapor will escape from it at ordinary temperatures.

**104-05** "Commercial or Industrial Establishment" shall mean a place wherein the storage, handling, or use of flammable liquids is incidental to but not the principal business or process.

**104-06** "Container" shall mean any can, bucket, barrel, drum, or portable tank, except stationary tanks, tank vehicles, and tank cars.

**104-07** "Marine Service Station" shall mean that portion of a property where flammable liquids used as motor fuels are stored and dispensed from fixed equipment on shore, piers, wharves, or barges into the fuel tanks of floating craft, and shall include all facilities used in connection therewith.

**104-08** "Processing Plant" shall mean that portion of a property in which flammable liquids are mixed, heated, separated or otherwise processed as principal business, but shall not include refineries in which flammable liquids are produced on a commercial scale from crude petroleum, natural gasoline, or other hydrocarbon sources.

**104-09** "Safety Can" shall mean an approved portable container, having a spring-closing lid and spout cover.

#### CHAPTER II

##### Storage

#### Part One—Storage Aboveground (Outside of Buildings)

##### 201—Restricted Location.

Any approval of plans by the state fire marshal shall be subject to compliance with local zoning and restricted fire district regulations.

##### 202—Location with Respect to Property Lines.

Location of an aboveground tank for storage of flammable liquids with respect to distance from the nearest line of adjoining property which may be built upon, shall be such that the distance between any part of the tank and the line shall be not less than that set forth in the following:

MINIMUM DISTANCE OF OUTSIDE ABOVEGROUND TANKS FOR FLAMMABLE LIQUIDS OTHER THAN CRUDE PETROLEUM TO IMPORTANT BUILDINGS OR LINE OF ADJOINING PROPERTY WHICH MAY BE BUILT UPON

[Amended January 15, 1960]

Capacity of Tank	Class of Flammable Liquid	Minimum Distance
0 to 275 gals.	III	0 feet
276 to 750 gals.	III	5 feet
0 to 750 gals.	I and II	10 feet
751 to 12,000 gals.	III	10 feet
751 to 12,000 gals.	I and II	15 feet
12,001 to 24,000 gals.	I, II and III	15 feet
24,001 to 30,000 gals.	I, II and III	20 feet
30,001 to 50,000 gals.	I, II and III	25 feet

Tanks with capacities in excess of 50,000 gallons and all tanks for storage of crude petroleum shall be located in accordance with the following provisions:

**GROUP A TANKS.** Any all-steel, gas-tight tank constructed in compliance with these or equivalent standards and equipped either with (1) an approved permanently attached extinguishing system or (2) an approved floating roof, which is to be used only for the storage of refined petroleum products or other flammable liquids not subject to boil-over, shall be so located that the distance from the line of adjoining property which may be built upon shall be not less than the greatest dimension of diameter or height of the tank, except that such distance need not exceed one hundred twenty feet.

**GROUP B TANKS.** Any all-steel, gas-tight tank constructed in compliance with these or equivalent standards but not equipped either with (1) an approved permanently attached extinguishing system or (2) an approved floating roof, which is to be used only for the storage of refined petroleum products or other flammable liquids not subject to boil-over, shall be so located that the distance from the line of adjoining property which may be built upon shall be not less than one and one-half times the greatest dimension of diameter or height of the tank, except that such distance need not exceed one hundred seventy-five feet.

**GROUP C TANKS.** Any all-steel, gas-tight tank constructed in compliance with these or equivalent standards and equipped either with (1) an approved permanently attached extinguishing system or (2) an approved floating roof, which is to be used for the storage of crude petroleum, shall be so located that the distance from the line of adjoining property which may be built upon shall be not less than twice the greatest dimension of diameter or height of the tank except that such distance shall be not less than twenty feet and need not exceed one hundred seventy-five feet.

**GROUP D TANKS.** Any all-steel, gas-tight tank constructed in compliance with these or equivalent standards and not equipped either with (1) an approved permanently attached extinguishing system or (2) an approved floating roof, which is to be used for the storage of crude petroleum shall be so located that the distance from the line of adjoining property which may be built upon shall be not less than three times the greatest dimension of diameter or height of the tank except that such distance shall not be less than twenty feet and need not exceed three hundred fifty feet.

**202-01** If any adjoining property is used for aboveground tank storage, then the distance between any tank and the line of such adjoining property need be no greater than that necessary to conform to section 203.

#### **203—Spacing Between Tanks.**

**203-01** The location of a tank for the storage of any flammable liquid with respect to any such other tank shall be such that the distance between them shall be not less than three feet.

**203-02** For tanks above 50,000 gallons individual capacity storing any flammable liquid, except crude petroleum in producing areas, the distance shall be not less than one-half the diameter of the smaller tank.

**203-03** In producing areas, for tanks storing crude petroleum and having capacities not to exceed 126,000 gallons (3,000 bbls.), the distance between tanks shall not be less than three feet; in excess of 126,000 gallons (3,000 bbls.), the distance shall be not less than the diameter of the smaller tank.

**203-04** The minimum separation between an LP-Gas container and a flammable liquid tank shall be twenty feet. Suitable means shall

be taken to prevent the accumulation of flammable liquids under adjacent LP-Gas containers such as by diking, diversion curbs or grading. When flammable liquid tanks are diked, the LP-Gas containers shall be outside the diked area and at least ten feet away from the center line of the dike. The foregoing provisions shall not apply when LP-Gas containers of one hundred twenty-five gallons or less capacity are installed adjacent to Class III flammable liquid tanks of two hundred seventy-five gallons or less capacity.

#### **204—Foundations and Supports.**

Tanks shall rest directly on the ground or on foundations or supports of concrete, masonry, piling, or steel. Exposed piling or steel supports shall be protected by fire-resistive materials to provide a fire-resistance rating of not less than two hours.

**204-01 Anchorage:** Where a tank is to be located in an area that may be subjected to flooding, compliance with the applicable and generally recognized protection shall be provided. Precautions outlined in the latest edition of NFPA No. 30A, Tanks in "Locations Subject to Floods" shall prima facie be deemed to meet the requirements of this subsection.

#### **205—Stairs, Platforms and Walkways.**

Stairs, platforms and walkways shall be of steel, concrete or wood.

#### **206—Dikes and Walls.**

**206-01 Crude Petroleum:** Tanks or groups of tanks containing crude petroleum shall be diked or other suitable means taken to prevent discharge of liquid from endangering adjoining property or reaching waterways. Where a diked inclosure is required under this section, it shall have a capacity not less than that of the tank or tanks served by the inclosure.

**206-02 Flammable Liquids Other Than Crude Petroleum:** Individual tanks or groups of tanks, where determined by the state fire marshal to be necessary on account of proximity to waterways, character of topography, or nearness to structures of high value, or to places of habitation or assembly, shall be diked or the yard shall be provided with a curb or other suitable means taken to prevent the spread of liquid onto other property or waterways. Where a diked inclosure is required under this section, it shall have a net capacity not less than that of the largest tank plus ten percent of the aggregate capacity of all other tanks served by the inclosure.

**206-03 Dike Construction:** Except where protection is provided by natural topography, dikes or retaining walls required under the foregoing section shall be of earth, concrete or solid masonry designed to be liquid tight and to withstand a full hydraulic head, and so constructed as to provide the required protection. Earthen dikes three feet or more in height shall have a flat section at the top not less than two feet wide. The slope shall be consistent with the angle of repose of the ma-

terial of which the dikes are constructed. Unless means are available for extinguishing a fire in any tank containing crude petroleum, dikes and walls inclosing such tanks shall be provided at the top with a flareback section designed to turn back a boil-over wave, provided, however, that a flareback section shall not be required for dikes and walls inclosing approved floating roof tanks.

**206-04 Drainage:** Where provision is made for draining rain water from diked areas, such drains shall normally be kept closed and shall be so designed that when in use they will not permit flammable liquids to enter natural water courses, public sewers, or public drains, if their presence would constitute a hazard.

**206-05** No loose combustible material, empty or full drum or barrel, shall be permitted within the diked area.

**207—Design and Construction of Tanks Operating at Substantially Atmospheric Pressure.**

Tanks shall be built of steel or concrete unless character of liquid stored requires other materials. Steel commonly known as "Mill Seconds" shall not be used. Tanks built of materials other than steel shall be designed to specifications embodying safety factors equivalent to those herein specified for steel tanks. Unlined concrete tanks shall only be used for storage of liquids having a gravity of forty degrees A.P.I. or heavier. Concrete tanks with special linings may be used for other services provided the design is approved by the state fire marshal. Steel tanks shall be built in accordance with the requirements of the following paragraphs. All shop-built tanks shall be tested at a pressure of not less than five and not more than ten pounds per square inch (measured at the top of the tank) for a period of at least ten minutes without leakage or permanent deformation.

**207-01 Field Erected Vertical Tanks:** Vertical tanks erected in the field and built in accordance with the then current edition of American Petroleum Institute Standard No. 12A, "Specification for Oil Storage Tanks with Riveted Shells," or of American Petroleum Institute Standard No. 12C, "Specification for Welded Oil Storage Tanks," shall prima facie be deemed to comply with the requirements of this section.

American Petroleum Institute Standard No. 620, "Rules for the Design and Construction of Large, Welded, Low Pressure Storage Tanks," shall prima facie be deemed to comply with the requirements of this section.

**207-02 Small Shop Built Vertical Tanks:** Vertical tanks not over 1,100 gallons capacity shall meet the following standards:

Capacity (Gallons)	Minimum Thickness of Steel U. S. Standard
1 - 60	18 gauge
61 - 350	16 gauge
351 - 560	14 gauge
561 - 1,100	12 gauge

**207-03 Large Shop Built Vertical Tanks:** Vertical tanks over 1,100 gallons capacity shall meet the following standards:

For tanks up to twenty-five feet in height the shell shall be not less than three-sixteenths inch thick. For tanks from twenty-five to thirty feet high the bottom ring shall be not less than one-fourth inch thick and the remainder of the shell not less than three-sixteenths inch thick. For tanks between thirty and thirty-five feet high, the first two rings shall be not less than one-fourth inch thick and the remainder of the shell not less than three-sixteenths inch thick. All one-fourth inch thick rings shall be not less than five feet wide.

The tops of tanks shall be either dished or coneshaped and of not less than No. 10 U. S. Standard gauge steel.

Tanks shall be welded, or riveted and caulked, or otherwise made tight in a workmanlike manner. The roof of the tank shall be securely fastened to the top ring of the shell with a joint having the same tightness as the joints between rings. The joint between roof and shell shall be weaker than any other joints in the shell of the tank. Joints in the roof shall be welded or riveted or made tight by other process. Roofs of tanks shall have no unprotected openings.

**207-04 Production Tanks:** Vertical tanks not exceeding 126,000 gallons (3,000 bbls.) individual capacity, when used for crude petroleum storage in oil producing areas, shall be deemed prima-facie evidence of compliance with this section when built in accordance with applicable requirements of the then current edition of American Petroleum Institute Standard No. 12B, "Specification for Bolted Production Tanks," or Standard 12D, "Specifications for Large Welded Production Tanks," or Standard 12F, "Specifications for Small Welded Production Tanks."

**207-05 Shop Built Horizontal Tanks:** Horizontal tanks shall be constructed in accordance with accepted engineering practice and shall meet the following minimum requirements: Joints shall be riveted and caulked, riveted and welded, or welded. Tank heads over six feet in diameter shall be dished, stayed, braced, or reinforced.

**207-05-1 Small Shop Built Horizontal Tanks:** Horizontal tanks not over one thousand one hundred gallons capacity shall meet the following standards:

Capacity (Gallons)	Minimum Thickness of Steel U. S. Standard
1 to 60	18 gauge
61 to 275	14 gauge
276 to 550	12 gauge
551 to 1,100	10 gauge

**207-05-2 Large Shop Built Horizontal Tanks:** Horizontal tanks over one thousand one hundred gallons capacity having a diameter of not over six feet made of steel shall be three-sixteenths inch or greater nominal thickness. Tanks having a diameter of over six feet and not more than twelve feet, made of steel, shall be one-fourth inch or greater nominal thickness.

**208—Vents.**

**208-01 Normal Breathing:** Tanks shall have normal venting capacity sufficient to permit the filling and emptying of such tanks, plus their breathing due to temperature changes, without distortion of tank shell or roof. Tanks storing Class I and Class II flammable liquids shall be equipped with either venting devices which shall be normally closed when not under pressure or vacuum, or with approved flame arresters, except that tanks under two thousand five hundred gallons capacity for Class I liquids and tanks under three thousand barrels capacity for crude oil in producing areas may have open vents.

**208-02 Emergency Relief:** Every above-ground storage tank shall have some form of construction or device that will relieve excessive internal pressure, caused by exposure fires, that might cause the rupture of the tank shell or bottom. In a vertical tank, this construction may take the form of a weakened seam in the roof. The joint between the roof and the shell of a tank thirty-six feet or more

in diameter, if built in accordance with section 207-01, shall be deemed to be a weakened seam for this purpose. Where entire dependence for such additional relief is placed upon some device other than a weak roof seam or joint, the total venting capacity of both normal and emergency vents shall be enough to prevent rupture of the shell or bottom of the tank if vertical, or of the shell or heads if horizontal. Such device may be a self-closing manhole cover, or one using long bolts that permits the cover to lift under internal pressure, or an additional or larger relief valve or valves. For the purpose of computing the number and area of such vents and emergency relief devices, reference may be made to the table, Required Total Pressure Relief Capacity of Vents.

**208-03** The outlet of all vents and vent drains on tanks designed for fifteen pounds per square inch or greater pressure shall be arranged to discharge in such a way as to prevent localized overheating of any part of the tank, in the event vapors from such vents are ignited.

**REQUIRED TOTAL PRESSURE RELIEF CAPACITY OF VENTS**

Capacity of Tank Gallons	42-Gallon Barrels	Total Pressure Relief Capacity (Cu. Ft. of Free Air Per Hour)	Approximate Diameter in Inches of Free Circular Opening for Various Pressures			
			3 In. of Water	1 PSI	2½ PSI	5 PSI
1,000 or less	23.8	25,300	4	2½	2	1½
4,000	95.2	69,500	6¾	3¾	3	2½
18,000	428	139,000	9½	5½	4¼	3¾
25,000	595	166,000	10¼	6	4¾	4
56,000	1,330	253,000	12¾	7¼	5¾	5
100,000	2,380	363,000	15¼	8¾	7	6
155,000	3,690	458,000	17¼	9¾	7¾	6½
222,000	5,290	522,000	18¾	10½	8¾	7
475,000	11,300	624,000	20	11¼	9	7¾
735,000	17,500	648,000	20	11½	9¼	7¾
Unlimited		648,000	20	11½	9¼	7¾

**209—Tank Valves.**

**209-01 External Valves:** Each connection to an aboveground tank storing flammable liquids, located below normal liquid level, shall be provided with an external control valve located as close as practicable to the shell of the tank. Except for flammable liquids whose chemical characteristics are incompatible with steel, such valves and their tank connections installed after effective date of these regulations shall be of steel.

**209-02 Emergency Internal Check Valves:** In addition to any normal valves, there must be an extra valve at each pipeline connection to any tank below normal liquid level, which valve is effective inside the tank shell and is operated both manually and by an effective heat actuated device which, in case of fire, will automatically close the valve to prevent the flow of liquid from the tank even though the pipelines are broken from the tank. These extra valves are not required in crude oil tanks in oil fields, on tanks at refineries, or on tanks at terminals which are equipped with a swing line or where facilities are provided to transfer the contents of the tank to another tank in case of fire.

**Part Two—Storage Underground or in Buildings**

**210—Underground; Outside of or Under Buildings.**

**210-01 Location:** A flammable liquids storage tank may be located underground, outside of or under a building, if such installation meets the requirements of this section. The tank shall be so located with respect to existing building foundations and supports that the loads carried by the latter cannot be transmitted to the tank. The distance from any part of a tank storing Class III liquids to the nearest wall of any basement, pit, cellar, or property line shall be not less than one foot. The distance from any part of a tank storing Class I or II liquids to the nearest wall of any basement, pit, or cellar shall be not less than one foot, and from any property line that may be built upon, not less than three feet.

**210-02 Depth and Cover:** Excavation for underground storage tanks shall be made with due care to avoid undermining of foundations of existing structures. Underground tanks shall be set on firm foundation and surrounded with soft earth or sand well tamped in place. Tanks shall be covered with a minimum

of two feet of earth, or shall be covered with not less than one foot of earth, on top of which shall be placed a slab of reinforced concrete not less than four inches thick. When underground tanks are or are likely to be subjected to traffic, they shall be protected against damage from vehicles passing over them by at least three feet of earth cover, or eighteen inches of well-tamped earth, plus six inches of reinforced concrete or eight inches of asphaltic concrete. When asphaltic or reinforced concrete paving is used as part of the protection, it shall extend at least one foot horizontally beyond the outline of the tank in all directions.

**210-03 Anchorage:** Where a tank may become buoyant due to a rise in the level of the water table or due to location in an area that may be subjected to flooding, suitable and generally recognized protection shall be provided to anchor the tank in place. Compliance with the applicable precautions outlined in the then current edition of NFPA Standard No. 30A shall prima facie be deemed to meet the requirements of this subsection.

**211—Inside of Buildings, Class I or II Liquids.**

Tanks for storage of Class I and II flammable liquids shall not be installed inside buildings except as provided under chapters V, VI and VII of this division. Tanks for storage of Class I and II flammable liquids may be installed under a building as an underground tank complying with section 210.

**212—Inside of Buildings, Class III Liquids.**

**212-01** Uninclosed tanks shall not be located within five feet, horizontally, of any fire or flame.

**212-02** Tanks larger than sixty gallons capacity shall not be located in buildings above the lowest story, cellar or basement, except in commercial, industrial or processing plants where storage on a higher floor is required by the process.

**212-03** Tanks exceeding five hundred fifty gallons individual capacity or one thousand one hundred gallons aggregate capacity in an individual building or in a section of a building separated by firewalls shall be installed in an inclosure constructed as follows: The walls of the inclosure shall be constructed of reinforced concrete at least six inches thick or of brick at least eight inches thick. Such inclosures shall be installed only on concrete or other fire-resistive floors and shall be bonded to the floors. Inclosures shall have tops of reinforced concrete at least five inches thick or equivalent fire-resistive construction, except that where floor or roof construction above the inclosure is concrete or other fire-resistive construction, the walls may be extended to and bonded to the underside of the construction above in lieu of the provision of a separate top. Any openings to such inclosures shall be provided with fire doors or other approved closures and six-inch noncombustible liquid-tight sills or ramps. Provision shall be made for adequate ventilation of such in-

closures prior to entering for inspection or repairs to tanks.

**212-04** In buildings of ordinary construction, the nominal gross capacity of tanks shall not exceed 10,000 gallons. In fire-resistive buildings the nominal gross capacity of the tanks shall not exceed 15,000 gallons. In any building, if in a fire-resistive or detached room cut off vertically and horizontally in an approved manner from other floors of the main building, the nominal gross capacity of tanks shall not exceed 50,000 gallons, with an individual tank capacity not exceeding 25,000 gallons.

**213—Design and Construction of Tanks.**

**213-01 Underground Tanks or Inclosed Tanks Inside of Buildings:** Tanks shall be designed and constructed to withstand safely the service to which subjected. Material other than steel, if used, shall be of suitable durability and of thicknesses providing equivalent strength to that provided by steel. Steel commonly known as "mill seconds" shall not be used. Steel tanks shall be of a minimum gauge (U. S. Standard) in accordance with the following table:

Capacity (Gallons)	Minimum Nominal Thickness of Material	
	U. S. Standard Gauge	Pounds per Square Foot
1 to 285	No. 14	3.125
286 to 560	No. 12	4.375
561 to 1,100	No. 10	5.625
1,101 to 4,000	No. 7	7.50
4,001 to 12,000	¼ in.	10.00
12,001 to 20,000	⅜ in.	12.50
20,001 to 30,000	½ in.	15.00

If adequate internal bracing is provided, tanks of 12,001 to 30,000 gallons capacity may be built of one-fourth inch plate.

**213-02 Uninclosed Tanks Inside of Buildings:** Tanks of this category used for Class III flammable liquids shall not exceed two hundred seventy-five gallons individual capacity. They may be cylindrical or of a special form which has been demonstrated by appropriate tests to possess strength and tightness of an acceptable degree. Material other than steel, if used, shall be of suitable durability and thickness to provide strength equivalent to that provided by steel. Steel commonly known as "mill seconds" shall not be used. Steel tanks shall be of a minimum gauge (U. S. Standard) in accordance with the following table:

Capacity (Gallons)	Minimum Nominal Thickness of Material	
	U. S. Standard Gauge	Pounds per Square Foot
1 to 180	No. 16	2.50
181 to 275	No. 14	3.125

**214—Support of Tanks in Buildings.**

Inside storage tanks shall be securely supported to prevent settling, sliding or lifting.

**215—Tank Connections for Tanks Underground or in Buildings.**

**215-01 Vents:**

**215-01-1** Location and Arrangement of Vents—Class I or II: Vent pipes from tanks storing Class I or Class II flammable liquids



shall be so located that the discharge point is outside of buildings, higher than the fill pipe opening, and not less than twelve feet above the adjacent ground level. Vent pipes shall discharge only upward or horizontally (not downward) in order to disperse vapors. Vent pipes two inches or less in nominal inside diameter shall not be obstructed by devices that will reduce their capacity and thus cause excessive back pressure. Vent pipe outlets shall be so located that flammable vapors will not enter building openings, or be trapped under eaves or other obstructions. If the vent pipe is less than ten feet in length or greater than two inches in nominal inside diameter, the outlet shall be provided with a vacuum and pressure relief device or there shall be an approved flame arrester in the vent line at the outlet or within the approved distance from the outlet. In no case shall a flame arrester be located more than fifteen feet from the outlet end of the vent line.

**215-01-2 Location and Arrangement of Vents—Class III:** Vent pipes from tanks storing Class III flammable liquids shall terminate outside of building and higher than the fill-pipe opening. Vent outlets shall be above normal snow level. They may be fitted with return bends, coarse screens or other devices to minimize ingress of foreign material.

**215-01-3 Size of Vents:** Each tank shall be vented through piping adequate in size to prevent blow-back of vapor or liquid at the fill opening while tank is being filled. Vent pipes shall be not less than one and one-fourth inch nominal inside diameter.

**215-01-4 Vent Piping:** Vent pipes shall be so laid as to drain toward the tank without sags or traps in which liquid can collect. They shall be located so that they will not be subjected to physical damage above ground. Vent pipes from tanks storing the same class of flammable liquids may be connected into one outlet pipe. The outlet pipe shall at least be one pipe-size larger than the largest individual vent pipe connected thereto. In no case shall the point of connection between vent lines be lower than the top of any fill-pipe opening. The lower end of a vent pipe shall enter the tank through the top and shall not extend into the tank more than one inch.

**215-02 Fill and Discharge Piping:** Filling and discharge lines for Class I and Class II liquids, and for Class III liquids where practicable, shall enter tanks only through the top and shall be graded toward the tank.

**215-03 Fill Openings:** The fill pipe opening shall be located outside of any building. For Class I or II flammable liquid storage the fill-pipe opening shall be not less than five feet from any door or cellar opening. For Class III flammable liquid storage the fill-pipe opening shall be not less than two feet from any building opening at the same or lower level. The fill-pipe opening shall be closed and liquid tight when not in use. Fill-pipe for filling by tank car or tank truck shall be not larger than

four inch nominal inside diameter and shall not be constricted. Fill-pipe openings shall be identified by a definite color scheme or other means.

**215-04 Gauge Openings:** Gauge openings, if independent of fill-pipe, shall be provided with liquid-tight cap or cover. Where Class I or Class II liquids are stored within a building, such gauge opening shall be protected against vapor release or liquid overflow by means of a spring-loaded check valve or other approved device.

**215-05 Drainage of Tanks in Buildings:** Inside storage tanks for Class III flammable liquids shall be provided with draw-off or drain openings. Tanks shall be installed so that the bottom pitches to the draw-off or drain openings at a slope of not less than one-fourth inch per foot of length. The draw-off or drain openings shall be provided with suitable connection to provide a sump from which water or sediment can be drained readily.

#### **216—Testing.**

Before being covered or placed in use, tanks and piping connected thereto must pass a test for tightness. Where the vent outlet is not more than fifteen feet above the top of the tank the test pressure shall be at least five p.s.i. and either air or hydrostatic pressure may be used. Where the vent outlet is more than fifteen feet above the top of the tank the test shall be made under hydrostatic pressure with the vent line flooded. In special cases where the height of the vent above the top of the tank is excessive the hydrostatic test pressure shall be specified by the state fire marshal.

#### **Part Three—Storage in Closed Containers Inside Buildings**

#### **217—Scope.**

**217-01** Part Three applies to the storage of flammable liquids in drums or other portable closed containers not exceeding sixty gallons individual capacity in areas used solely for such storage. These requirements do not apply to the occupancies detailed in chapters IV, V, VIII and IX.

#### **218—Design and Construction of Inside Storage Rooms.**

**218-01** Inside storage rooms shall comply with the following general construction requirements: Walls, floors and ceilings shall be of noncombustible construction having a fire-resistive rating of not less than two hours. Openings to other rooms or buildings shall be provided with noncombustible liquid-tight raised sills or ramps at least six inches in height and with fire doors with heat actuated releasing devices arranged to close doors automatically in case of fire. Where other portions of the building or other properties are exposed, windows shall be protected in a standard manner. No combustible material shall be used in the construction of shelving. Proper ventilation shall be provided and natural ventilation is preferred over mechanical ventilation. Heating shall be restricted to low



pressure steam or hot water or to electrical units approved for Class I hazardous locations.

**218-02** Electrical devices located in inside storage rooms used for Class I or Class II Flammable Liquids shall be approved for Class I, Division II Hazardous Locations and for Class III Flammable Liquids, shall be equipment for general use. Compliance with provisions of the "National Electrical Code" as published by the NFPA shall be deemed prima-facie evidence of compliance with the section.

**218-03** Rooms or portions of buildings, affording a type of building construction and other features equivalent to that required for Inside Storage Rooms (218-01 and 218-02) may be utilized for storage of flammable liquids if not used for any other storage or operation which, in combination, create a greater fire hazard.

**218-04** Storage rooms shall be located to minimize damage in the event of an explosion.

**218-05** It is recommended that roofs of detached buildings, and where practical the roofs or ceilings of all inside storage rooms, be equipped with large vents so that if a fire occurs the heat will be dissipated to the out-doors.

#### **219—Storage Cabinets.**

**219-01** Storage cabinets may be used where it is desired to keep more than ten gallons of flammable liquids inside buildings. No individual container shall exceed five gallons capacity and not over fifty gallons shall be stored in any one cabinet.

**219-02** Storage cabinets shall be constructed as follows or built to equivalent requirements. The bottom, top, door and sides of cabinet shall be at least No. 18 gauge sheet iron and double walled with one and one-half-inch air space. Joints shall be riveted, welded or made tight by some equally effective means. The door shall be provided with a three-point lock, kept closed when not in use, and the door sill shall be raised at least two inches above the bottom of the cabinet. When deemed necessary by the state fire marshal, cabinets shall be vented. The cabinet shall be conspicuously labeled in red letters "FLAMMABLE—KEEP FIRE AWAY".

#### **220—Manner of Storage and Limitations.**

**220-01** Flammable liquids shall not be stored (including stock for sale), near exits, stairways or areas normally used for the safe egress of people.

**220-02** The storage of flammable liquids in closed containers shall comply with the following occupancy schedule except that the state fire marshal may impose a quantity limitation or require greater protection where, in his opinion, unusual hazard to life or property is involved, or he may authorize increase of these amounts where the type of construction, fire protection provided or other factors substantially reduce the hazard.

**220-02-1** In a mixed occupancy, where any occupancy involves the storage of flammable liquids, that occupancy or that portion of the occupancy devoted to flammable liquid storage, in addition to other requirements, shall be cut off by at least two-hour fire-resistive construction.

**220-02-2** One, Two and Three Family Dwellings and Accompanying Attached or Detached Garages: Storage other than fuel oil, prohibited, except that which is required for maintenance or equipment operation which shall not exceed ten gallons. Such flammable liquid shall be stored in metal closed containers or safety cans.

**220-02-3** Public Assemblies, Apartments, Hotels, Theatres and Office Buildings: Storage prohibited, except that which is required for maintenance and operation of building and operation of equipment. Such storage shall be kept in closed metal containers stored in a storage cabinet or in safety cans or in an inside storage room not having a door that opens into that portion of the building used by the public.

**220-02-4** Schools, Hospitals and Institutional Buildings: Storage shall be limited to that required for maintenance, demonstration, treatment and laboratory work and shall be in an inside storage room preferably at ground level with at least one exterior wall. Flammable liquids in the laboratories, etc., shall be in small containers (quart or less) or in safety cans or in storage cabinets.

**220-02-5** Retail Stores and Department Stores: In rooms or areas accessible to the public, storage shall be in closed containers and limited to quantities needed for display and normal merchandising purposes. Additional stock shall be stored in rooms or portions of buildings that comply with the construction requirements of section 218.

**220-02-6** General Purpose and Public Warehouses: Storage shall be in fire-resistive buildings or in portions of such buildings cut off by standard fire walls. Noncombustible material, creating no hazard to the flammable liquids, may be stored in the same area.

**220-02-7** Flammable Liquid Warehouses or Storage Buildings: Storage shall be in accordance with paragraph 220-02-8. Maximum allowable storage is dependent upon the type of construction of the building, fire protection and drainage provided and potential fire exposure to other important buildings. If storage building is located thirty to fifty feet from important building or line of property which may be built upon, the exposing wall shall be a blank wall having a fire-resistance rating of at least two hours. If storage building is located ten to thirty feet from line of property which may be built upon, the exposing wall shall be a blank wall having a fire-resistance rating of at least three hours. If storage building is less than ten feet from the line of adjoining property which may be built upon, the exposing wall shall be a blank wall having

a fire-resistance rating of at least four hours. At the discretion of the state fire marshal approved Class A fire doors may be installed in a standard manner on the otherwise blank walls.

**220-02-8** Flammable liquid containers shall be stored in accordance with safe practice, in tiers or piles of such height and width and separated by aisles of such width as will permit the free movement of materials and material handling equipment in and out of the storage area. A main aisle of eight feet in width and storage otherwise in conformity with the following table shall prima facie be deemed safe practice.

**SPRINKLERED OR EQUIVALENT PROTECTION**

CLASS		Maximums Per Pile			Min. Side Aisle Feet
		TOTAL Gallons	WIDTH Feet	HEIGHT Feet	
CLASS I	Ground & Upper Floors	2,640 (48)	8 (4)	6 (2)	5
	Bsmt.*	0	0	0	
	Ground & Upper Floors	5,280 (96)	8 (4)	6 (2)	
CLASS II	Bsmt.*	1,320 (24)	4 (2)	3 (1)	4
	Ground & Upper Floors	11,000 (200)	12 (6)	3 ft. under sprin- kler heads	
	Bsmt.*	5,500 (100)	8 (4)	9 (3)	

**UNPROTECTED**

CLASS		Maximums Per Pile			Min. Side Aisle Feet
		TOTAL Gallons	WIDTH Feet	HEIGHT Feet	
CLASS I	Ground & Upper Floors	660 (12)	4 (2)	3 (1)	7
	Bsmt.*	0	0	0	
	Ground & Upper Floors	1,320 (24)	4 (2)	3 (1)	
CLASS II	Bsmt.*	0	0	0	5
	Ground & Upper Floors	2,640 (48)	8 (4)	12 (4)	
	Bsmt.*	660 (12)	4 (2)	3 (1)	

\*Basement means a story of a building or structure having one-half or more of its height below ground level and to which access for fire fighting purposes is unduly restricted.

The figures in the column, Total Gallons, represent the number of gallons that may be stored per pile and the figures in parentheses are the corresponding number of 55 gallon drums. The figures in the Width and Height Columns are the width and height of the pile in feet and the figures in parentheses are the corresponding number of 55 gallon drums when stored on end that will produce this size pile.

Nothing in the foregoing table or the provisions of this section with reference thereto shall prohibit storage in tiers or piles of greater width and height and with lesser width aisles, where by reason of the type of construction of the building or clearances of adjoining occupancy no substantial exposure hazard exists.

**221—Fire Control.**

**221-01** Suitable fire-control devices, such as small hose or first aid fire appliances, shall be available at locations where fires are likely to occur.

**221-02** When sprinkler or equivalent protection is required, it shall be installed in an approved manner. Sprinkler installations made in accordance with the then current edition of the Standards of the National Fire Protection Association for Sprinkler Systems (NFPA No. 13), shall be deemed prima-facie evidence of compliance with the section.

**221-03** Open flames, smoking and other sources of ignition shall not be permitted in flammable liquid storage rooms.

**221-04** Materials which will react with water to produce flammable vapors shall not be stored in the same room with flammable liquids.

**Part Four—Storage in Closed Containers Outside Buildings**

**222—Scope.**

**222-01** Part four applies to the storage of flammable liquids in drums or other portable closed containers not exceeding sixty gallons individual capacity in areas used solely for such storage. These requirements do not apply to the occupancies detailed in chapters IV, V, VIII and IX.

**223—Basic Safeguards**

**223-01** Drums constructed in accordance with ICC Specifications or containers of equivalent construction may be stored out of doors.

**223-02** Drums shall not be stored outside on building platforms or between buildings, or in locations adjacent thereto, in such a manner that they would contribute to the spread of fire from one building to another.

**223-03** Storage of over one hundred drums of Class I or II flammable liquids shall be limited to groups of one hundred drums, located at least sixty feet from the nearest important building or line of adjoining property that may be built upon and each group shall be separated by at least forty feet. Storage of over three hundred drums of Class III flammable liquids shall be limited to groups of three hundred drums located at least fifty feet from nearest building or line of adjoining property that may be built upon and each group shall be separated by at least thirty feet. These distances may be reduced fifty percent if sprinklers and drainage away from exposures are provided.

**223-04** The drum storage shall be located to prevent "run-off" or drainage toward other storage or buildings. The area shall be kept clear of grass, weeds and other foreign combustibles. Signs shall be posted prohibiting open flames and smoking.

**CHAPTER III**

*Piping, Valves and Fittings*

**301—Materials and Design.**

Piping, valves, and fittings for flammable

liquids shall be designed for the working pressures and structural stresses to which they may be subjected. They shall be of steel or other material suitable for use with the liquid being handled. Pipe wall thicknesses determined in accordance with section 3 of the American Standard Code for Pressure Piping (ASA B31.1) shall be deemed prima-facie evidence of compliance with this section; except that carbon steel pipe shall not be thinner than Standard Wall thickness listed in the American Standard for Wrought-Steel and Wrought-Iron pipe (ASA B36.10). All threaded joints and connections shall be made up tight with suitable lubricant or piping compound.

### 302—Protection Against Corrosion

All piping for flammable liquids, both above-ground and underground, where subject to external corrosion, shall be painted or otherwise protected.

### 303—Supports

Pipe systems shall be substantially supported and protected against physical damage and excessive stresses arising from settlement, vibration, expansion or contraction.

### 304—Valves

Pipe systems shall contain a sufficient number of valves to operate the system properly and to protect the plant. Pipe systems in connection with pumps shall contain a sufficient number of valves properly to control the flow of liquid in normal operation and in the event of physical damage. Connections to piping, by which equipment such as tank cars or tank trucks discharge flammable liquids by means of centrifugal pumps into aboveground storage tanks, shall be provided with check valves for automatic protection against back-flow.

### 305—Pumps and Piping

**305-01** In intra-plant systems, pump or piping connected for handling Class I or Class II liquids shall not be so connected or manifolded as to permit their intermittent or alternate use for Class III liquids.

**305-02** The piping shall have a definite scheme of identification such as, stenciling, tagging or coloring of either the lines or the control valves or both to distinguish the class of product which is being carried by each line.

**305-03** Pumps delivering to or taking supply from tanks or tank car shall be provided with valves on both suction and discharge of pump.

**305-04** Paragraphs -01, -02 and -03 of this section 305 do not apply to pipeline systems operating between or within refineries, boat or barge docks, marine terminals or pipeline terminals or tank farm storage adjunctive thereto.

## CHAPTER IV Bulk Plants

### 401—Location of Plants

**401-01** Any approval of plans by the state

fire marshal shall be subject to compliance with local zoning and restricted fire district regulations.

### 402—Storage

**402-01** Storage—Class I or II: Class I and Class II flammable liquids shall be stored in closed containers, or in storage tanks above-ground outside of buildings, or underground. (See chapter II of this division.)

**402-02** Storage—Class III: Class III flammable liquids shall be stored in containers, or in tanks within buildings or aboveground outside of buildings, or underground. (See chapter II of this division.)

**402-03** Storage of Containers: Containers of flammable liquids when piled one upon the other shall be separated by dunnage, sufficient to provide stability and to prevent excessive stress on container walls. The height of piles shall be consistent with stability and strength of containers.

### 403—Filling and Emptying Containers

**403-01** Containers of Class I or Class II flammable liquids shall not be drawn from or filled within buildings unless provision is made to prevent the accumulation of flammable vapors in hazardous concentrations.

**403-02** Except when packaged in the original sealed container as put up for package sale or distribution by the manufacturer or packager with suitable and generally recognized precautionary labeling or when packaged and labelled for shipment in conformity with the regulations of the interstate commerce commission, no gasoline or benzene nor any naphtha having a flash point at or below seventy degrees F. (closed cup tester) shall be filled into any drum, can or other portable container unless the container is of metal and is colored red and labelled with the common name of the product and with the word "FLAMMABLE".

### 404—Ventilation

Ventilation shall be provided for all rooms, buildings, or inclosures in which Class I or Class II flammable liquids are pumped or dispensed. Design of ventilation systems shall take into account the relatively high specific gravity of the vapors. Ventilation may be provided by adequate openings in outside walls at floor level unobstructed except by louvers or coarse screens. Where natural ventilation is impracticable, mechanical ventilation shall be provided. Mechanical systems, for removing flammable vapors, designed, installed and operated in accordance with National Fire Protection Association standards for the "Installation of Blower and Exhaust Systems" published in National Fire Codes, Vol. III, shall be deemed prima-facie evidence of compliance with this section.

### 405—Buildings

**405-01** General Construction: Buildings shall be constructed so that rooms in which flammable liquids are handled or stored comply with the requirements of the zone or area in which located. Class I and Class II flam-

mable liquids shall not be stored or handled within a building having a basement or pit into which flammable vapors may travel, unless such area is provided with ventilation designed to prevent the accumulation of flammable vapors therein.

**405-02 Exits:** Rooms storing flammable liquids or in which flammable liquids are handled by pumps shall have exit facilities arranged to prevent occupants being trapped in the event of fire.

**405-03 Heating:** Rooms in which Class I or Class II flammable liquids are stored or handled shall be heated only by means not constituting a source of ignition, such as steam or hot water. Rooms containing heating appliances involving sources of ignition shall be located and arranged to prevent entry of flammable vapors.

#### **406—Loading and Unloading Facilities**

##### **406-01 Truck Loading Racks:**

**406-01-1 Location:** Truck loading racks installed after effective date of these regulations dispensing Class I or Class II flammable liquids shall where practicable be separated from tanks, warehouses, other plant buildings, and nearest line of property that may be built upon by a clear distance of not less than twenty-five feet, measured from the nearest position of any fill stem. With reference to section 102, in no case shall a truck loading rack for Class I or II liquids be, or be rebuilt nearer than ten feet measured as aforesaid from any of the aforementioned objects. Buildings for pumps or for shelter of loading personnel may be part of the loading rack.

**406-01-2 Static Protection:** The following types of truck loading racks shall be equipped with protection against static sparks during truck filling:—Racks dispensing Class I or Class II flammable liquids into open domes of tank trucks, and racks dispensing Class III flammable liquids into open domes of tank trucks which may contain flammable vapors from previous cargoes of Class I or Class II flammable liquids. Protection shall consist of a metallic bond-wire permanently electrically connected to the fill-stem or some part of the fill-stem piping. The free end of such wire shall be provided with a clamp or similar device for convenient attachment to some metallic part of the cargo tank of the tank truck. The bond-wire connection shall be made prior to opening the dome covers. It shall be maintained in place during the entire filling operation and the dome covers shall be securely closed before the bond-wire is disconnected from the cargo tank.

**406-02 Tank Car Racks:** Class I and Class II flammable liquids shall not be discharged from or loaded into tank cars unless protection against stray currents has been provided and is used. Protection designed and installed in accordance with Circulars of the Association of American Railroads, No. 17-D, and No. 17-E, shall be deemed prima-facie evidence of compliance with this section.

**406-02-1 No Unloading by Gravity:** The withdrawal of Class I or Class II liquids from tank cars through bottom outlets shall not be permitted.

**406-02-2** The use of compressed air to discharge contents of tank cars is prohibited, but this shall not be construed to prevent the use of a standard system employing an inert gas, such as carbon dioxide or nitrogen, as pressure generating medium for this purpose.

**406-02-3 No Unloading to Portable Containers:** Unloading from tank cars to tank trucks or to any other portable containers shall not be permitted.

**406-02-4** Tank cars shall not be left connected to pipelines except when loading or unloading is going on, and during all such time a competent man shall be present and in charge.

**406-03 Container Filling Facilities:** Class I and Class II flammable liquids shall not be run into containers unless the nozzle and container are electrically interconnected. Where the metallic floor-plate on which the container stands while filling is electrically connected to the fill stem or where the fill stem is bonded to the container during filling operations by means of a bond-wire, the provisions of this section shall be deemed to have been complied with.

**406-04 Drainage and Waste Disposal:** Provision shall be made to prevent flammable liquids which may be spilled at loading or unloading points from entering public sewers and drainage systems, or natural waterways. Connection to such sewers, drains, or waterways by which flammable liquids might enter shall be provided with separator boxes or other approved means whereby such entry is precluded. Crankcase drainings and flammable liquids shall not be dumped into sewers, but shall be stored in tanks or tight drums outside of any building until removed from the premises.

#### **407—Electrical Equipment**

All wiring and electrical equipment including motors and electrical switch gear for pumps handling Class I or Class II flammable liquids and located within the possible path of vapor travel shall be designed and installed so as not to create an ignition hazard. Electrical equipment designed and installed in accordance with the then current edition of Standards known as the "National Electrical Code" as published by the National Fire Protection Association, shall be prima facie deemed to be in compliance with this section.

#### **408—Sources of Ignition**

Class I or Class II flammable liquids shall not be handled, drawn, or dispensed where flammable vapors may reach a source of ignition. Smoking shall be prohibited except in designated locations. "NO SMOKING" signs shall be conspicuously posted where hazard from flammable liquids vapors is normally present.

**409—Fire Control**

Suitable first-aid fire-control devices, such as smothering agents, small hose or portable extinguishers, shall be available to locations where fires are likely to occur.

**410—Care and Attendance of Property**

**410-01** Property shall be kept free from weeds, high grass, rubbish and litter, and shall be kept neat, clean and orderly throughout.

**CHAPTER V***Service Stations***501—Location, Construction, Heating**

Any approval of plans by the state fire marshal shall be subject to compliance with local zoning regulations.

Apparatus dispensing Class I flammable liquids into the fuel tanks of motor vehicles of the public shall not be located at a bulk plant unless separated by a fence or similar barrier from the area in which bulk operations are conducted.

**501-01** General Construction: Buildings shall be constructed so that rooms in which flammable liquids are handled or stored comply with the requirements of the zone or area in which located. Class I and Class II flammable liquids shall not be stored or handled within a building having a basement or pit into which flammable vapors may travel, unless such area is provided with ventilation designed to prevent the accumulation of flammable vapors therein.

**501-02** Building:

**501-02-1** No basement or excavation shall hereafter be constructed under any service station building. Steps shall be taken to eliminate existing basements upon the occasion of any major remodeling of a service station. This restriction shall not apply to garages.

**501-02-2** Floor shall preferably be of concrete or other fire resisting materials.

**501-03** Service Pits:

**501-03-1** Except as otherwise provided in 501-03-3, no service station or filling station shall be constructed or remodeled after the effective date of these regulations in such a manner as to include a service pit.

**501-03-2** Service pits existing as of the effective date of these regulations shall comply with the following:

(1) No sewer connection shall be permitted from any pit, unless protected with an approved grease trap which will effectively intercept greases and oils, and prevent their entry into the sewer.

(2) If service pits are electrically lighted, lights and switches shall be of explosion proof construction and wiring in conduit.

**501-03-3** In an establishment where greasing or other services are to be regularly rendered to vehicles of such type, size or weight or for other good reason it would be impracticable to utilize ramp or hoist type equipment for these services, a pit may be installed but

only after written approval from the state fire marshal upon application in writing accompanied by plans and specifications for the proposed installation. Every such approval shall be on the condition that the proposed installation be constructed and maintained in conformity with the following requirements:

(1) Each pit must be constructed of poured concrete.

(2) All electric wiring and electric equipment in each pit or used in connection therewith must be explosion proof and all such equipment shall bear the underwriters' laboratories label.

(3) Each pit must be equipped with a mechanical exhaust system capable of exhausting five cubic feet of air per minute per square foot of floor area within the pit and shall have a capacity of not less than fourteen hundred cubic feet per minute. The exhaust system shall be wired electrically so that the system will be in full operation when pit lights are lighted.

(4) The discharge from the exhaust system shall be to the outside atmosphere and located in such a manner that the exhaust air will not re-enter the building.

(5) No sewer connection shall be permitted from any pit, unless protected with an approved grease trap which will effectively intercept greases and oils, and prevent their entry into the sewer.

**501-04** Heating and Lighting:

**501-04-1** Except as otherwise provided in this section, heating stoves, space heaters, and furnaces or other heating plants shall not be installed or used in a service station building, in which motor vehicles are greased, serviced or stored.

**501-04-2** Except as hereinafter provided, service stations which have a room or stall for greasing, servicing or storing motor vehicles shall be heated by means of radiation or connections from hot water vapor, or steam heating systems, of which both the boilers or devices containing combustion chambers and fuel storage shall be installed in a separate heater room. Said heater room shall be cut off from the remainder of the building by standard fire division walls of at least two hours fire-resistive construction extending from the foundation to the roof of building. Provided said walls are continued as a parapet wall to a height of not less than three feet above the roof, ceiling of heater room may be of ordinary construction. In the event said walls are not continued as a parapet wall as herein provided, the ceiling shall be one hour fire-resistive construction.

There shall be no openings in the above mentioned standard fire division walls except those necessary for hot air, hot water, vapor or steam heating pipes.

The only entrance to heater room shall be from outside of building.

**501-04-3** The following types of heating installations are acceptable without inclosure in a separate heater room.

(1) Oil or gas fired warm air furnaces consisting of burners within inclosed combustion chamber, motor driven air circulating fans, and safety controls, suspended from ceilings or mounted between uprights and installed at a minimum height of seven feet above the floor. Unless installed in conformity with requirements under which "approved" or in conformity with applicable standards of the National Fire Protection Association, said furnaces shall maintain minimum spacings from combustible walls and ceilings as follows: Sides and rear six inches; above six inches; burner side forty-eight inches; flue pipe eighteen inches.

(2) Gas-fired unit heaters which have their flame protected from drafts of air and contact with combustible materials, consisting essentially of burners with inclosed combustion chambers, flue, air circulating motor driven fans, safety controls, designed to be suspended from ceilings or mounted between uprights and installed at least seven feet above the floor, and (unless installed in conformity with requirements under which "approved" or in conformity with applicable standards of the National Fire Protection Association) maintaining minimum spacing to combustible walls from the casing of the unit heater as follows: Sides and rear six inches; above six inches; flue pipe nine inches.

(3) Electrical unit heaters constructed and installed to conform to the then current edition of Underwriters' Laboratories, Incorporated, "Standard for Electric Heating Appliances".

Heating Units permitted in sections 501-043 (1) and 501-043 (2) hereof shall be approved by Underwriters' Laboratories, Incorporated.

**501-044** Service stations which do not have room or stall for greasing, servicing, or storing motor vehicles, may be heated in any conventional manner.

**501-045** All electric lighting appliances and wiring shall conform to the current National Electrical Code.

## **502—Storage and Handling**

**502-01** General Provisions: Class I and Class II flammable liquids shall be stored in closed containers, or in tanks located underground or in special inclosures as described in section 502-02 of this division. Class III flammable liquids shall be stored in containers or in tanks located underground or in special inclosures as described in section 502-02 of this division. Aboveground tanks, shall not be connected by piping to service station underground tanks.

**502-02** Special Inclosures: When installation of tanks in accordance with section 210 of this division is impractical because of property or building limitations, tanks for flammable liquids may be installed in buildings if inclosed as follows: Inclosure shall be substantially liquid and vapor tight without backfill. Sides, top and bottom of the inclosure shall be of reinforced concrete at least six

inches thick or approved solid-unit masonry equivalent-fire-resistive construction built to withstand the lateral pressure due to the liquid head, with openings for inspection through the top only. Tank connections shall be so piped or closed that neither vapors nor liquid can escape into the inclosed space. Means shall be provided whereby portable equipment may be employed to discharge to the outside any vapors which might accumulate should leakage occur.

**502-03** Storage Inside Buildings: No Class I flammable liquids shall be stored or handled within any service station building except packaged items, for example: Cleaning fluid received and resold in unbroken metallic containers of not over one gallon capacity each, or in approved nonmetallic containers of not more than one quart capacity each. Class II flammable liquids in closed containers may be stored inside the station building. A container equipped with an approved pump shall be considered a closed container for purposes of storage only. No Class I or Class II flammable liquids shall be dispensed, or transferred from one container to another, inside of a service station building, provided, however, that flammable antifreeze liquids may be dispensed in rooms of a service station building provided such rooms have approved heating devices and provided also that there is no open flame in such room lower than seven feet above floor level. Class III liquids may be stored and dispensed inside service station buildings from approved containers of not more than one hundred twenty gallons capacity each.

**502-04** Except when sold in the original sealed container as put up for package sale or distribution by the manufacturer or packager with suitable and generally recognized precautionary labeling no gasoline or benzene nor any naphtha having a flash point at or below seventy degrees F. (closed cup tester) shall be sold or filled into any drum, can or other portable container unless the container is of metal and is colored red and labeled with the common name of the product and with the word "FLAMMABLE."

**502-04-1** No kerosene, fuel oil or similar liquid shall be filled into any portable container colored red.

**502-05** Dispensing Containers: No delivery of any Class I or II Flammable Liquids shall be made into portable containers of ten gallons capacity or less unless the container is of sound metal construction, has a tight closure with screwed or spring cover and is fitted with a spout or so designed that the contents can be poured without spilling or can be safely withdrawn by connection to a fuel line.

**502-06** Bulk Sales Prohibited: No motor fuels shall be dispensed from storage at any service station except directly into the fuel tanks of motor vehicles, when such tanks are connected with the carburetion systems of such vehicles provided, however, that individ-

ual sales up to ten gallons may be made in containers meeting the requirements of sections 502-04 and 502-05.

### 503—Dispensing Devices

**503-01 Design and Construction:** Class I and Class II flammable liquids shall be transferred from underground tanks by means of fixed pumps so designed and equipped as to allow control of the flow and to prevent leakage or accidental discharge. Supplemental means shall be provided outside of the dispensing device whereby the source of power may be readily disconnected in the event of fire or other accident. Dispensing devices for Class I or Class II flammable liquids shall be of approved type. Devices meeting the standards of the Underwriters' Laboratories, Inc., shall be deemed to be in compliance with this section. Class I or Class II flammable liquids shall not be dispensed by pressure or gravity from drums, barrels, and similar containers. Gear pumps or similar positive displacement devices taking suction through the top of the container shall be used. Class I and Class II flammable liquids shall not be dispensed by a device that exerts internal pressure against the shell or a storage tank, unless the tank has been approved as a pressure vessel for the use to which it is subjected. In no case shall air or gas pressure be used for this purpose.

**503-02 Automatic Dispensing Devices:** The installation and use of coin-purchaser-operated dispensing devices for Class I flammable liquids is prohibited. The dispensing of Class I flammable liquids into the fuel tank of a vehicle or into a container shall at all times be under the control of a competent person. The use of any device which permits the dispensing of Class I flammable liquids when the hand of the operator of the discharge nozzle is removed from the nozzle control lever is hereby forbidden except when using an automatic nozzle as provided in section 503-02-1.

**503-02-1 Automatic Nozzles With Latch-Open Devices:** In lieu of being held open by hand, an approved automatic nozzle may be used for dispensing Class I flammable liquid into the fuel tank of a vehicle. Such a nozzle shall have the latch-open device as an integral part of the assembly and shall shut off the liquid reliably and positively when the gasoline tank is filled, when it falls from the filling neck of an automobile tank, when it is subject to rough usage such as dropping or lack of proper lubrication, or when an automobile is driven away while the nozzle is still in the tank. A competent attendant shall be in the immediate vicinity of the vehicle being filled by such an approved nozzle.

**503-02-2 No Self-Service Permitted:** No person other than the service station proprietor or an authorized employee shall use or operate any motor fuel dispensing equipment at any service station.

**503-03 Location:** Dispensing devices at automotive service stations shall be so located

that all parts of the vehicle being served will be on private property.

**503-04 Inside Garages:** Where an outside location is impractical, dispensing devices for inside use may be approved for installation inside garage or similar establishment storing, parking, servicing or repairing automotive equipment. The dispensing device shall be located in an area of fire-resistive construction well away from vehicle storage and repair areas and well ventilated, preferably near a doorway. It shall be protected against physical damage by vehicles by mounting on a concrete island or by equivalent means and shall be located in a position where it cannot be struck by a vehicle descending a ramp or other slope out of control. A convenient remote emergency shut-off for electric power to the dispensing unit and the pump supplying it shall be provided.

### 504—Remote Pumping Systems

**504-01 Scope:** This subsection "d" shall apply to systems for dispensing Class I flammable liquid to the fuel tanks of motor vehicles at automotive service stations where such liquid is transferred from underground storage to individual or multiple dispensing units by pumps located elsewhere than at the dispensers.

**504-02 Pumps:** Pumps shall be designed or equipped so that no part of the system will be subjected to pressures above the system's allowable working pressure. Pumps installed above grade, outside of buildings, shall be located not less than ten feet from lines of adjoining property which may be built upon, and not less than five feet from any building opening. When an outside location is impractical, pumps may be installed inside of garages as provided for dispensers in subsection "c", paragraph 5, or they may be installed in special inclosures as described in section 43.10 except that approved fire doors are permitted, or in pits as described in paragraph 3 of this subsection. Pumps shall be substantially anchored and protected against physical damage by vehicles.

**504-03 Pits:** Pits for subsurface pumps or piping manifolds of submersible pumps shall withstand the external forces to which they may be subjected without damage to the pump, tank, or piping. The pit shall be no larger than necessary for inspection and maintenance and shall be provided with a close fitting cover.

**504-04 Testing:** After the completion of the installation including any paving, the section of the system, between the pump discharge and the connection for the dispensing facility, shall be tested for at least thirty minutes at a pressure fifty percent above the maximum pump pressure. Five years after installation and biannually thereafter, the system shall be subjected to a test for leakage of at least thirty minutes duration at the maximum pump pressure.

### 504-05 Controls:

**504-05-1** A control shall be provided that



will permit the pump to operate only when a dispensing nozzle is removed from its bracket on the dispensing unit and the switch on this dispensing unit is manually actuated. This control shall also stop the pump when all nozzles have been returned to their brackets.

**504-05-2** There shall be a means, visible from the operating area, to indicate when the pump motor is running.

**504-05-3** A readily accessible, clearly identified switch shall be provided to shut off the power to the pump motors. An approved automatic device shall be provided at each dispensing unit that will stop the flow of fuel at the dispensing unit in case of fire or physical damage to the dispensing unit.

#### **505—Marine Service Station**

**505-01** Pumps supplying flammable liquids at marine service stations shall be located on shore, or on a pier of solid-fill type, where practicable.

**505-02** Class I or II flammable liquids shall not be dispensed into fuel tanks of marine craft except by means of a hose, equipped with a self-closing nozzle and with a valve which must be held open by manual control while making a delivery.

**505-03** Pipelines at marine service stations, where attached to piers, wharves, or other structures, shall be protected against physical damage. A valve shall be provided in each line at or near the approach to the pier, wharf, or other structure whereby supply from shore may be shut off.

**505-04** Flammable liquids may be dispensed into the fuel tanks of marine craft from tank trucks by means of a hose equipped with a self-closing nozzle and in the case of Class I or II liquids with a valve which must be held open by manual control while making a delivery or from approved safety cans.

#### **506—Drainage and Waste Disposal**

Provision shall be made in the area where Class I flammable liquids may be spilled to prevent liquids from flowing into interior of service-station buildings. Such provision may be by grading driveway, raising door sills, or other equally effective means. Crankcase drainings and flammable liquids shall not be dumped into sewers, but shall be stored in tanks or tight drums outside of any building until removed from the premises.

#### **507—Safety Rules**

There shall be no smoking on the driveway of service stations in the areas used for fueling motor vehicles, dispensing flammable anti-freeze or the receipt of products by tank truck, or in those portions of the buildings used for servicing automobiles, tractors or internal combustion engines. The motors of all vehicles being fueled shall be shut off during the fueling operation.

**507-01** No open lights or flames shall be permitted about premises except in approved heating devices and for necessary maintenance.

**507-02** Premises shall be kept neat and clean, and free from rubbish or trash.

**507-03** Cleaning with gasoline, naphtha, or other highly flammable liquids of Classes I and II shall not be permitted in or around the service station.

#### **508—First-aid Fire Appliances**

Suitable first-aid fire-control devices, such as small hose or portable extinguishers, shall be available to locations where fires are likely to occur.

### CHAPTER VI

#### *Commercial and Industrial Establishments*

#### **601—Manner of Storage**

**601-01** Flammable liquids shall be stored in tanks, closed containers or approved safety cans.

**601-02** Flammable liquids stored in tanks shall conform to the applicable requirements of Part One or Part Two of chapter II.

**601-03** Flammable liquids stored in drums and other closed containers shall conform to the applicable requirements of Part Three or Part Four of chapter II.

**601-04** Flammable liquids used, mixed or handled in tanks, drums or other containers shall conform to the applicable requirements of section 602.

#### **602—Use of Flammable Liquids**

**602-01** Location: Flammable liquids in quantities requiring a permit shall be used in buildings, portions of buildings or rooms constructed and designed in accordance with the requirements of inside mixing and handling rooms.

**602-02** Design and Construction of Inside Mixing and Handling Rooms: Rooms shall have at least one exterior wall. Walls, floors and ceilings shall be of noncombustible construction having at least a two hour fire-resistive rating. Doors shall be provided with noncombustible liquid-tight sills at least six inches high and provided with an approved Class B fire door of the self-closing type. Adequate drainage to a safe location shall be provided. Adequate natural ventilation shall be provided or if mechanical ventilation is provided, compliance with appropriate requirements of the NFPA Standards on Blower and Exhaust Systems for Dust, Stock and Vapor Removal, No. 91 shall be deemed prima-facie evidence of compliance with this section. Heating shall be by low pressure steam or hot water or by electrical units approved for Class I hazardous locations. Lighting and electrical devices shall be approved for Class I hazardous locations. All equipment such as mixers, filters, pumps, motors, and shafting shall be permanently and effectively grounded. Electrical installations made in accordance with the then current edition of National Electrical Code shall be deemed prima-facie evidence of compliance with this section.

**602-03** Storage Limits for Inside Mixing and Handling Rooms: An inside mixing and



handling room not protected by an approved automatic fire extinguishing system shall contain not more than

(1) Eleven hundred gallons total of Classes I, II and III flammable liquids of which not more than,

(2) Five hundred fifty gallons may be of Classes I and II flammable liquids of which not more than,

(3) Two hundred seventy-five gallons may be of Class I flammable liquid.

An inside mixing and handling room protected by an approved automatic fire extinguishing system shall not contain more than

(1) Eleven thousand gallons total of Classes I, II and III flammable liquids of which not more than,

(2) Twenty-seven hundred fifty gallons may be of Classes I and II flammable liquids of which not more than,

(3) Five hundred fifty gallons may be of Class I flammable liquid.

(4) These amounts may be increased to not more than one day's supply where daily consumption exceeds the above limits.

**602-04** Where applicable, installations made in accordance with the then current edition of NFPA Standards for Dry Cleaning Plants, No. 32; for Dip Tanks Containing Flammable or Combustible Liquids, No. 34; and Spray Finishing Using Flammable Materials, No. 33 shall be deemed prima-facie evidence of compliance with this section.

#### **603—Dispensing**

**603-01** Class I or Class II flammable liquids shall be dispensed only in an inside mixing and handling room.

**603-02** Class I or Class II flammable liquids shall not be drawn from or dispensed into vessels or containers within a building except by means of a device drawing from top of the tank or the container. Gravity discharge within a building of Class I or Class II flammable liquids from tanks, drums, or containers other than safety cans, is specifically forbidden, except where the nature of the manufacturing process requires gravity flow. Upon approval of the state fire marshal, such gravity flow shall be permitted only from vessels storing flammable liquids sufficient for not more than one day's operation.

**603-03** Class I or Class II flammable liquids shall not be dispensed within a room or building which normally contains source of ignition, within the possible path of vapor travel. Dispensing devices shall be provided with iron or steel valves where compatible with the flammable liquid handled. Where practicable, there shall be, in addition to the outlet valve, a secondary control device or valve outside of the immediate area, by which the flow may be stopped in the event of fire or other accident at the outlet. Outlet valves, where practicable, shall be of the self-closing type.

**603-04** Container Filling Facilities: Classes I and II flammable liquids shall not be run into

containers unless the nozzle and container are electrically interconnected. Where the metallic floor plate on which the container stands while filling is electrically connected to the fill stem or where the fill stem is bonded to the container during filling operations by means of a bond-wire, the provisions of this section shall be deemed to have been complied with.

**603-05** Exits: Exit facilities shall be provided to prevent occupants being trapped in the event of fire.

#### **604—Ventilation**

**604-01** Buildings, or rooms or other enclosures in which Class I or Class II flammable liquids are used or stored in open vats or dip tanks shall be provided with ventilation sufficient at all times to prevent accumulation of flammable vapors. Where natural ventilation is insufficient under all conditions to prevent the accumulation of flammable vapors, mechanical ventilation shall be provided and used. The accumulation of flammable vapors within the combustible or explosive range under normal operating conditions, as determined by an approved flammable-vapor indicator, shall be prima-facie evidence of the violation of this section.

**604-02** Design of ventilating systems shall take into account the relatively high specific gravity of the vapors. Openings to the outside for natural ventilation shall be at floor level and shall be unobstructed except by louvers, or coarse screens. Mechanical systems for removing flammable vapors, designed, installed and operated in accordance with the then current edition of National Fire Protection Association Standards for the Installation of Blower and Exhaust Systems shall be deemed prima-facie evidence of compliance with this section.

#### **605—Sources of Ignition**

Open flames, heating devices and processes employing temperatures capable of igniting the vapors of the flammable liquids used shall be prohibited in buildings, rooms and other confined spaces in which Class I or Class II flammable liquids are used in the open, or in which Class III flammable liquids are used for the purpose of saturating, coating or otherwise treating goods or materials. Artificial lighting shall be by electricity only. Electric devices located within the possible path of vapor travel shall be of a type approved for such locations. Compliance with applicable provisions of the "National Electrical Code" as published by the National Fire Protection Association shall be deemed prima-facie evidence of compliance with this section. Smoking shall be prohibited and suitable signs to that effect shall be displayed.

#### **606—Fire Control**

**606-01** Inside mixing and handling rooms may be sprinklered or unsprinklered. Where flammable liquids are used or dispensed, approved first aid fire appliances shall be pro-

vided. The number and type of appliances meeting the current standard for First Aid Fire Appliances NFPA No. 10 shall be deemed prima-facie evidence of compliance with this section.

**606-02** Wherever flammable liquids are stored in containers, provisions shall be made and maintained for the detection of leakage. Leaking containers shall be immediately removed or made tight.

**606-03** Access shall be provided by unobstructed aisles whereby first-aid fire-control apparatus may be brought to bear on any part of such flammable liquids storage.

**606-04** In buildings, rooms or other confined spaces in which flammable liquids are stored, combustible waste materials shall not be allowed to accumulate, except in closed metal containers.

**606-05** Crankcase drainings and flammable liquids shall not be dumped into sewers, but shall be stored in tanks or tight drums outside of any building until removed from the premises.

**606-06** Cleaning with gasoline, naphtha, or other highly flammable liquids of Classes I and II shall not be permitted.

#### CHAPTER VII *Processing Plants*

##### **701—Manner of Storage**

**701-01** Flammable liquids shall be stored in tanks, closed containers or approved safety cans.

**701-02** Flammable liquids stored in tanks shall conform to the applicable requirements of Part One or Part Two of chapter II or section 502-02.

**701-03** Flammable liquids stored in drums or other closed containers shall conform to the requirements of Part Three or Part Four of chapter II or paragraph 701-04.

**701-04** Storage of flammable liquids within rooms or buildings not meeting the requirements of chapter II shall be limited in accordance with the following subsections:

**701-04-1** Within wood frame buildings, storage of Class I and Class II flammable liquids shall be prohibited; storage of Class III flammable liquids shall be limited to sixty gallons in any tank or container unless installed and constructed in accordance with chapter II of this division.

**701-04-2** In other than wood frame buildings, Class I flammable liquids may be stored in closed containers or safety cans of not more than five gallons individual capacity and not exceeding a total of twenty-five gallons. Class II flammable liquids may be stored in closed containers or safety cans of not more than five gallons individual capacity, and in barrels, drums, or tanks of not more than sixty gallons individual capacity. The total quantity that may be stored in this manner shall be limited to two hundred twenty gallons. Class

III flammable liquids may be stored in closed containers of not more than five gallons individual capacity, or in barrels, drums, or tanks not exceeding one hundred twenty gallons individual capacity. The total quantity stored in this manner shall be limited to two hundred twenty gallons.

##### **702—Blending and Mixing**

**702-01** Mixing or blending rooms or buildings shall meet the design standards of section 602-02 of this chapter. Mixing or blending rooms or buildings shall be provided with natural or mechanical ventilation that will prevent the accumulation of flammable vapors in hazardous concentrations. Design of ventilating systems shall take into account the relatively high specific gravity of the vapors. Openings in outside walls for natural ventilation shall be at floor level and shall be unobstructed except by louvers, or coarse screens. Mechanical systems for removing flammable vapors, designed, installed and operated in accordance with the then current edition of National Fire Protection Association Standards for the "Installation of Blower and Exhaust Systems" shall be deemed prima-facie evidence of compliance with this section.

**702-02** Vessels used for mixing or blending of Class I flammable liquids shall be provided with self-closing tight-fitting noncombustible lids that will control a fire within such vessel when applied thereto. Where such devices are impracticable, approved automatic or manually controlled chemical or other fire-extinguishing devices shall be used.

**702-03** Open flames and other sources of ignition shall not be used within the possible path of vapor travel where flammable liquids are mixed or blended in open containers.

**702-04** Vessels shall be electrically connected by bond-wires, piping, or similar means, where differences of potential could otherwise be created by accumulation of static-electrical charges.

##### **703—Dispensing from Containers Within Buildings**

**703-01** Class I or Class II flammable liquids may be dispensed from approved safety cans, provided that there are no open flames or other sources of ignition within the possible path of vapor travel.

**703-02** Class III flammable liquids may be dispensed from containers not exceeding sixty gallons in individual capacity by means of a pump or similar device taking suction through the top of the container.

##### **704—Sources of Ignition**

Open flames, heating devices and processes employing temperatures capable of igniting the vapors of the flammable liquid used shall be prohibited in buildings, rooms and other confined spaces in which Class I or Class II flammable liquids are used in the open, or in which Class III flammable liquids are heated above their flash point in open containers. Artificial lighting shall be by electricity only.

Electrical devices located within the possible path of vapor travel shall be of a type approved for such locations. Electrical devices meeting the applicable standards of the current edition of the "National Electrical Code" as published by the National Fire Protection Association, shall be deemed prima-facie evidence of compliance with this section.

#### 705—Housekeeping

**705-01** Wherever flammable liquids are stored in containers, provision shall be made and maintained for the detection of leakage. Leaking containers shall be immediately removed and the contents transferred to a tight container.

**705-02** Access shall be provided by unobstructed aisles whereby first-aid fire-control apparatus may be brought to bear on any part of such flammable liquids storage.

**705-03** In buildings, rooms or other confined spaces in which flammable liquids are stored, combustible waste materials shall not be allowed to accumulate, except in closed metal containers.

**705-04** Crankcase drainings and flammable liquids shall not be dumped into sewers, but shall be stored in tanks or tight drums outside of any building until removed from the premises.

**705-05** Cleaning with gasoline, naphtha, or other highly flammable liquids of Classes I and II shall not be permitted.

#### 706—First-aid Fire Control

Where flammable liquids are stored, or are used in open vessels, or are dispensed within buildings or other inclosures, first-aid fire-control equipment shall be provided in such quantities as public safety shall require. The number and type of appliances meeting the Standards for First Aid Fire Appliances as published by the National Fire Protection Association shall be deemed prima-facie evidence of compliance with this section.

### CHAPTER VIII

#### *Oil Burning Equipment*

##### 801—Oil Burners

Heating and other devices using oil burners shall be installed, maintained and operated in accordance with recognized safe practices. Burners and accessories such as piping, tanks, vents, control devices, etc., installed in compliance with the then current edition of National Fire Protection Association Standards for the Installation of Oil Burning Equipment (NFPA No. 31), shall be deemed prima-facie evidence of compliance with the installation requirements of this section.

##### 802—Fuel Oil

The grade of fuel oil used in a burner shall be that for which the burner is listed and as stipulated by the manufacturer. Crankcase oil or any oil containing gasoline shall not be used. [Amended August 1, 1960]

### CHAPTER IX

#### *Farm Storage of Flammable Liquids*

##### 901—Scope

The standards are intended to apply to flammable liquids used for fuel for internal combustion engines and for agricultural processes such as spraying, flame cultivation, etc. It does not apply to the storage of fuel oil for heating purposes, which is covered by chapter VIII of this division.

##### 902—Types of Approved Storage

Storage of flammable liquids in rural districts for private use shall be permitted in any of the following ways:

a. Underground storage as provided in Part Two of chapter II of this division.

b. Aboveground storage in tanks the capacity of which exceeds five hundred gallons as provided in Part One of chapter II of this division and located at least forty feet from any building.

c. Containers of sixty gallons or less capacity each, in accordance with applicable standards set forth in this chapter.

d. Containers of sixty to five hundred fifty gallons capacity each, in accordance with applicable standards set forth in this chapter.

##### 903—Individual Containers of Sixty Gallons or Less Capacity Each

Flammable liquids in containers of sixty gallons or less capacity shall be stored outside buildings in substantial closed metal drums of sixty gallons or less capacity each. Discharge devices requiring pressure on the container are prohibited. Pumping devices or faucets used for dispensing flammable liquids shall be well maintained to prevent leakage. Individual containers shall not be interconnected.

Containers as provided in this section shall be stored outside at least forty feet from any building or may be stored inside of a building used exclusively for the storage of flammable liquids and located at least forty feet from any other building. Buildings used for storage of flammable liquids shall be provided with cross ventilation with at least two vents of sixty-four square inches area each, placed at floor level.

##### 904—Containers of Sixty to Five Hundred Fifty Gallons Capacity Each

**904-01** Flammable liquids in aboveground containers of sixty to five hundred fifty gallons capacity shall be stored outside buildings in containers of single compartment design and constructed throughout of fourteen-gauge metal or heavier and made vapor tight by welding or equivalent construction.

**904-02** A fill opening shall be provided and shall be equipped with a closure designed so that it may be locked.

**904-03** A vent shall be provided to relieve such vacuum or pressure as will develop in normal operation or from exposure to fire. Such vent shall have a free opening of one and one-half inch diameter.

**904-04** Containers as provided in this section shall be kept outside and at least forty feet from any building and shall be so located or such additional distance to buildings shall be provided as will insure that no vehicle, equipment or vessel being filled directly from such container shall be closer than forty feet to any building.

**904-05** Containers as above may be of either of the following types:

**904-05-1** Containers With Top Openings Only.

Containers constructed and located as provided above may be designed with all openings in the top of the tank and in such event shall be mounted and equipped as follows:

Stationary containers shall be mounted on timbers or blocks approximately six inches in height so as to protect the bottom of the container from corrosion from contact with the ground and when so placed to be in a stable position; or portable containers may be equipped with attached metal legs resting on shoes or runners to be at least one tank diameter apart, which in turn rests upon the ground, designed so that the container is supported in a stable position and so that the entire container and its supports may be moved as a unit.

Containers shall be equipped with a tightly and permanently attached approved pumping device having an approved hose of sufficient length for filling vehicles, equipment or vessels to be served from the container. Either the pump or the hose shall be equipped with a padlock to its hanger to prevent tampering. An effective antisiphoning device shall be included in the pump discharge. Siphons or internal pressure discharge devices are prohibited.

**904-05-2** Containers Elevated for Gravity Discharge:

Containers constructed and located as above may be designed with an opening in the bottom or the end of the tank for gravity dispensing of flammable liquids and shall be mounted and equipped as follows:

Supports to elevate the tank for gravity discharge shall be of adequate strength and design to provide stability.

On containers installed after the effective date of these regulations, each bottom opening for gravity discharge shall be equipped with an internal safety valve, which will close automatically in the event of fire through the operation of an effective heat releasing device and which likewise may be quickly operated manually. The gravity discharge outlet shall be provided with an approved hose equipped with a self-closing valve at the discharge end, of a type that can be padlocked to its hanger to prevent tampering.

**905—Marking of Containers**

Containers for the storage of flammable liquids in rural districts shall be conspicuously marked with the name of the product which they contain and "FLAMMABLE — KEEP

FIRE AND FLAME AWAY." If any such containers are portable and are used for the storage of Class I or Class II flammable liquids, they shall be painted red and labeled with the common name of the product and with the word "FLAMMABLE." No kerosene, fuel oil or similar liquids shall be placed in a red container.

### DIVISION III

#### *Transportation and Delivery of Flammable Liquids by Tank Vehicles*

#### **110—Scope**

This regulation applies to tank motor vehicles to be used for the transportation or delivery of flammable liquids. It is intended to provide requirements for the design, construction and operation of tank motor vehicles, their appurtenances, and certain features of tank motor vehicle chassis.

Additional safeguards may be necessary for tank vehicles used for the transportation of flammable liquids having characteristics introducing additional factors such as high rates of expansion, corrosiveness and toxicity.

Nothing in this regulation shall be construed to prevent any shipment made in accordance with the interstate commerce commission regulations.

#### **120—Definitions**

**121 Tank Truck:** Any single self-propelled motor vehicle equipped with a cargo tank mounted thereon, and used for the transportation of flammable liquids.

**122 Tank Full Trailer:** Any vehicle with or without auxiliary motive power, equipped with a cargo tank mounted thereon or built as an integral part thereof and used for the transportation of flammable liquids, and so constructed that practically all of its weight and load rests on its own wheels. (Note: Not permitted under Iowa law)

**123 Tank Semitrailer:** Any vehicle with or without auxiliary motive power, equipped with a cargo tank mounted thereon or built as an integral part thereof, and used for the transportation of flammable liquids, and so constructed that, when drawn by a tractor by means of a fifth wheel connection, some part of its load and weight rests upon the towing vehicle.

**124 Tank Vehicle:** Any tank truck, tank full trailer, or tractor and tank semitrailer combination.

**125 Cargo Tank:** Any container having a liquid capacity in excess of one hundred gallons, used for the carrying of flammable liquids, and mounted permanently or otherwise upon a tank vehicle. The term "cargo tank" does not apply to any container used solely for the purpose of supplying fuel for the propulsion of the tank vehicle upon which it is mounted.

**126 Baffle:** A non-liquid-tight transverse partition in a cargo tank.

**127 Compartment:** A liquid-tight division in a cargo tank.

**128 Head and Bulkhead:** A liquid-tight transverse closure at the end of a cargo tank or between compartments of a cargo tank.

**200—Cargo Tanks, Piping and Connections**

**210 Cargo Tanks Constructed of Mild Steel:**

**211 Material:** All sheets for such cargo tanks shall be of mild steel to meet the following requirements:

Yield Point, minimum—25,000 pounds per square inch.

Ultimate Strength, minimum—45,000 pounds per square inch.

Minimum Elongation, standard two-inch sample—twenty percent.

**212 Thickness of Sheets:** The minimum thicknesses of tank sheets shall be limited by the volume capacity of the tank expressed in terms of gallons per inch of length; and by the distance between bulkheads, baffles, or other shell stiffeners, as well as by the radius of shell curvature in case of shell sheets; as follows:

**MINIMUM THICKNESS OF HEAD, BULKHEAD AND BAFFLE SHEETS\***

Mild Steel

Heads, Bulkheads, or Baffles

Volume Capacity of Tank in Gallons per Inch of Length Manufacturers Gauge No.

(Dished, Corrugated, Reinforced or Rolled)			
10 or Less	Over 10 to 14	Over 14 to 18	Over 18
14	13	12	11

**MINIMUM THICKNESS OF SHELL SHEETS**

Mild Steel

Distance Between Attachments of Bulkheads, Baffles or Other Shell Stiffeners

Volume Capacity of Tank in Gallons Per Inch of Length

36 inches or less	Over 36 inches to 54 inches	Over 54 inches
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Maximum Shell Radius of less than 70 inches:

10 gallons or less	14	0.0747
Over 10 to 14 gallons	14	0.0747
Over 14 to 18 gallons	14	0.0747
Over 18 gallons	13	0.0897

Gauge**	Approx. Thick. Decimals of in.	Gauge**	Approx. Thick. Decimals of in.	Gauge**	Approx. Thick. Decimals of in.
14	0.0747	14	0.0747	14	0.0747
14	0.0747	14	0.0747	13	0.0897
14	0.0747	13	0.0897	12	0.1046
13	0.0897	12	0.1046	11	0.1196

Maximum Shell Radius of 70 inches or more, but less than 90 inches:

10 gallons or less	14	0.0747
Over 10 to 14 gallons	14	0.0747
Over 14 to 18 gallons	13	0.0897
Over 18 gallons	12	0.1046

14	0.0747	14	0.0747	13	0.0897
14	0.0747	13	0.0897	12	0.1046
13	0.0897	12	0.1046	11	0.1196
12	0.1046	11	0.1196	10	0.1345

Maximum Shell Radius of 90 inches or more, but less than 125 inches:

10 gallons or less	14	0.0747
Over 10 to 14 gallons	13	0.0897
Over 14 to 18 gallons	12	0.1046
Over 18 gallons	11	0.1196

13	0.0897	13	0.0897	12	0.1046
13	0.0897	12	0.1046	11	0.1196
12	0.1046	11	0.1196	10	0.1345
11	0.1196	10	0.1345	9	0.1495

Maximum Shell Radius of 125 inches or more:

10 gallons or less	13	0.0897
Over 10 to 14 gallons	12	0.1046
Over 14 to 18 gallons	11	0.1196
Over 18 gallons	10	0.1345

12	0.1046	12	0.1046	11	0.1196
12	0.1046	11	0.1196	10	0.1345
11	0.1196	10	0.1345	9	0.1495
10	0.1345	9	0.1495	8	0.1685

\*Thickness of exterior head sheets shall never be less than the maximum requirements for shell sheets in any specific unit.  
 \*\*Manufacturers Standard Gauge and approximate equivalent thickness in decimals of inch.

**220—Cargo Tanks Constructed of Low Alloy Low Carbon (High Tensile) Steel**

**221 Material:** All sheets for such cargo tanks shall be of low alloy, low carbon steel, commonly known as high tensile, meeting the following requirements:

Yield Point, minimum—50,000 pounds per square inch.

Ultimate Strength, minimum—65,000 pounds per square inch.

Minimum Elongation, standard two-inch sample—twenty percent.

**222 Thickness of Sheets:** The minimum thickness of tank sheets shall be limited by the volume capacity of the tank, expressed in terms of gallons per inch of length; and by the distance between bulkheads, baffles, or other shell stiffeners, as well as by the radius of shell curvature in the case of shell sheets; as follows:

**LOW ALLOY LOW CARBON (HIGH TENSILE) STEEL  
MINIMUM THICKNESS OF HEAD, BULKHEAD AND BAFFLE SHEETS\***

Heads, Bulkheads, or Baffles Volume Capacity of Tank in Gallons per Inch of Length Manufacturers Gauge No.	(Dished, Corrugated, Reinforced or Rolled)			
	10 or Less	Over 10 to 14	Over 14 to 18	Over 18
	15	14	13	12

\*Thickness of exterior head sheets shall never be less than the maximum requirements for shell sheets in any specific unit.

**MINIMUM THICKNESS OF SHELL SHEETS  
LOW ALLOY LOW CARBON (HIGH TENSILE) STEEL**

	Distance Between Attachments of Bulkheads, Baffles or Other Shell Stiffeners					
	36 inches or less		Over 36 inches to 54 inches		Over 54 inches	
	Gauge* No.	Approx. Thick. Decimals of in.	Gauge* No.	Approx. Thick. Decimals of in.	Gauge* No.	Approx. Thick. Decimals of in.
Maximum Shell Radius of less than 70 inches:						
10 gallons or less .....	16	0.0588	16	0.0588	15	0.0673
Over 10 to 14 gallons .....	16	0.0588	15	0.0673	14	0.0747
Over 14 to 18 gallons .....	15	0.0673	14	0.0747	13	0.0897
Over 18 gallons .....	14	0.0747	13	0.0897	12	0.1046
Maximum Shell Radius of 70 inches or more, but less than 90 inches:						
10 gallons or less .....	16	0.0588	15	0.0673	14	0.0747
Over 10 to 14 gallons .....	15	0.0673	14	0.0747	13	0.0897
Over 14 to 18 gallons .....	14	0.0747	13	0.0897	12	0.1046
Over 18 gallons .....	13	0.0897	12	0.1046	11	0.1196
Maximum Shell Radius of Gauge* 90 inches or more, but less than 125 inches:						
10 gallons or less .....	15	0.0673	14	0.0747	13	0.0897
Over 10 to 14 gallons .....	14	0.0747	13	0.0897	12	0.1046
Over 14 to 18 gallons .....	13	0.0897	12	0.1046	11	0.1196
Over 18 gallons .....	12	0.1046	11	0.1196	10	0.1345
Maximum Shell Radius of 125 inches or more:						
10 gallons or less .....	14	0.0747	13	0.0897	12	0.1046
Over 10 to 14 gallons .....	13	0.0897	12	0.1046	11	0.1196
Over 14 to 18 gallons .....	12	0.1046	11	0.1196	10	0.1345
Over 18 gallons .....	11	0.1196	10	0.1345	9	0.1495

\*Manufacturers Standard Gauge and approximate equivalent thickness in decimals of inch.

**230—Cargo Tanks Constructed of Aluminum Alloys for High Strength Welded Construction**

**231 Material:** All sheets for shell, heads and bulkheads of such cargo tanks shall be of aluminum alloys GR20A (5052 commercial designation), GR40A (5154 commercial designation) or GM40A (5086 commercial designation), conforming to American Society for Testing Materials Specification B178-54T.

All heads, bulkheads, and baffles and other shell stiffeners may use 0 temper (annealed)

or stronger tempers. All shells shall be of H32 temper or H34 temper, except that when shell thicknesses of 0.250 inch or thicker are used, the H112 temper is additionally permitted.

**232 Thickness of Sheets:** The minimum nominal thicknesses of tank sheets shall be limited by the volume capacity of the tank, expressed in terms of gallons per inch of length; and by the distance between bulkheads, baffles, or other shell stiffeners, as well as by the radius of shell curvature in the case of shell sheets as follows:

**MINIMUM THICKNESS OF HEAD, BULKHEAD AND BAFFLE SHEETS\*  
ALUMINUM ALLOYS GR20A, GR40A, AND GM40A**

Heads, Bulkheads, or Baffles Volume Capacity of Tank in Gallons per Inch of Length Thickness in decimals of inches	(Dished, Corrugated, Reinforced or Rolled)			
	10 or Less	Over 10 to 14	Over 14 to 18	Over 18
	.096	.109	.130	.151

\*Thickness of exterior head sheets shall never be less than the maximum requirements for shell sheets.

**MINIMUM THICKNESS OF SHELL SHEETS  
ALUMINUM ALLOYS GR20A, GR40A AND GM40A**

Volume Capacity Of Tank In Gallons Per Inch Of Length	Distance Between Attachments of Bulkheads, Baffles or Other Shell Stiffeners		
	36 inches or less	Over 36 inches to 54 inches	Over 54 inches
<b>Inch Decimal Thickness for Maximum Shell Radius of Less than 70 inches:</b>			
10 gallons or less.....	.087	.087	.096
Over 10 to 14 gallons.....	.087	.096	.109
Over 14 to 18 gallons.....	.096	.109	.130
Over 18 gallons.....	.109	.130	.151
<b>Inch Decimal Thickness for Maximum Shell Radius of 70 inches or more, but less than 90 inches:</b>			
10 gallons or less.....	.087	.096	.109
Over 10 to 14 gallons.....	.096	.109	.130
Over 14 to 18 gallons.....	.109	.130	.151
Over 18 gallons.....	.130	.151	.173
<b>Inch Decimal Thickness for Maximum Shell Radius of 90 inches or more, but less than 125 inches:</b>			
10 gallons or less.....	.096	.109	.130
Over 10 to 14 gallons.....	.109	.130	.151
Over 14 to 18 gallons.....	.130	.151	.173
Over 18 gallons.....	.151	.173	.194
<b>Inch Decimal Thickness for Maximum Shell Radius of 125 inches or More:</b>			
10 gallons or less.....	.109	.130	.151
Over 10 to 14 gallons.....	.130	.151	.173
Over 14 to 18 gallons.....	.151	.173	.194
Over 18 gallons.....	.173	.194	.216

**240—Joints**

**241** Joints shall be made in accordance with recognized good practice and the efficiency of any joint shall be not less than eighty-five percent of that of the adjacent metal in the tank. Low alloy low carbon (high tensile) steel sheets, however, shall be joined by fusion welding.

**242** Mild steel and low alloy low carbon steel may be used in the construction of a single tank, provided each material, where used, shall comply with the minimum requirements of its respective specifications for that section of the tank.

**243** In cargo tanks constructed of aluminum alloys, all joints in and to tank shells, heads and bulkheads shall be welded. All welded aluminum joints shall be made in accordance with recognized good practice, and the efficiency of a joint shall not be less than eighty-five percent of the annealed properties of the material in question. Aluminum alloys for high strength welded construction shall be joined by an inert gas arc welding process using filler metals R-GR40A, E-GR40A (5154 alloy) and R-GM50A, E-GM50A (5356 alloy) as conforming to American Society of Testing Materials Specification No. B285-54T (American Welding Society Specification No. A5, 10-54T).

**250—Test**

**251** At the time of manufacture every cargo tank shall be tested by a minimum air or hydrostatic pressure of three pounds per square inch applied to each compartment, or to the whole tank if it be not divided into compartments. Such pressure shall be maintained for a period of at least five minutes, during which, if the test is by air pressure, the entire exterior surface of all the joints shall be coated with a solution of soap and water, heavy oil, or other material suitable for the purpose, foaming or bubbling of which will indicate the presence of leaks. Hydrostatic pressure, if used, shall be gauged at the top of the tank; and the tank shall be inspected at the joints for the issuance of liquid to indicate leaks. Any leakage discovered by either of the methods above described, or by any other method shall be deemed as evidence of failure to meet the requirements of this specification.

**260—Tank Outlets**

**261** Outlets shall be substantially made and so attached to the tank:

**270—Bulkheads and Baffles**

**271** Every cargo tank having a total capacity in excess of three thousand gallons and used for the distribution of Class I and Class II flammable liquids to automotive and marine service stations to which the public is invited shall be divided into compartments, no one of which shall exceed twenty-five hundred gallons. A designed tolerance of ten percent shall be allowed for capacities of individual compartments or tanks. [Amended January 15, 1960]

**272** Except as provided in section 271, bulkheads or compartments shall not be required in any cargo tank used for transportation service, regardless of total capacity, which, when loaded and transporting its cargo over streets and highways will contain not less than eighty percent of the total tank capacity and will discharge its entire contents at one unloading point. As to tank vehicles operating from, to, or within areas requiring seasonal reduction in size of cargo, the eighty percent requirement shall be waived during the period in which such restrictions are in effect.

**273** Every cargo tank, and every compartment over ninety inches in length, shall be provided with baffles, the number of which shall be such that the linear distance between any two adjacent baffles, or between any tank head or bulkhead and the baffles nearest it, shall in no case exceed sixty inches.

**274** The cross sectional area of each baffle shall be not less than eighty percent of the cross sectional area of the tank and the thickness of such baffle shall be not less than that required for heads and bulkheads of the cargo tank in which installed.

**275** Cargo tanks with compartments carrying flammable liquids of different classes shall be provided with an air space between compartments and this air space shall be equipped and maintained with drainage facilities operative at all times.

**280—Vents**

**281** Each cargo tank or compartment shall be provided with a vacuum and pressure operated vent with a minimum effective opening of forty-four hundred square inch, and shall also be provided with an emergency venting facility so constructed as to provide a minimum free-venting opening having a net area in square inches equal to one and one-quarter plus 0.0025 times the capacity of the cargo tank or compartment in gallons. If the emergency venting facility operates in response to elevated temperatures, the critical temperature for such operation shall not exceed two hundred degrees F.

**290—Valve and Faucet Connections**

**291** Draw-off valves and faucets shall have discharge ends threaded, or they shall be designed so as to permit being tightly connected to hose extending to fill pipe.

**300—Emergency-Discharge Control**

**301** Every outlet from any cargo tank any compartment of which has a capacity in excess of five hundred gallons, if used for transportation of Class I or II flammable liquids, shall be equipped with a reliable and efficient shut-off valve located inside the shell; or in the sump when it is an integral part of the shell; and designed so that the valve must be kept closed except during loading and unloading operations.



**302** The operating mechanism for the valve shall be provided with a secondary control, remote from the fill openings and discharge faucets, for use in the event of accidents or fire during delivery operations.

**303** The control mechanism shall be provided with a fusible section which will permit valves to close automatically in case of fire.

**304** In every case there shall be provided, between the shut-off valve seat and discharge faucet, a shear section which will break under strain unless the discharge piping is so arranged as to afford the same protection and leave the shut-off valve seat intact.

#### **400—Tank-Vehicle Chassis, Assembly and Appurtenances**

##### **410—Tires**

**411** All tank motor vehicles shall be equipped with rubber tires on all wheels.

##### **420—Assembly**

**421** Every cargo tank shall be adequately supported upon and securely attached to or be a part of the tank vehicle upon which it is carried.

##### **430—Static Protection**

**431** Cargo tanks, and vehicle chassis, shall be electrically bonded.

**432** Provision shall be made in the tank structure of the vehicle for the bonding of vehicle to the fill pipe during truck loading operations.

**433** All hoses used on transports (four thousand gallon capacity or larger) for unloading Class I or II liquids shall be wire-filled.

**434** Drag chains and straps, formerly specified for the purpose of eliminating static charges, have been shown to be ineffective and their elimination is recommended.

##### **440—Protection Against Collision**

**441** Draw-off valves or faucets projecting beyond the frame at the rear of a tank vehicle shall be adequately protected against collision by bumpers or similar means.

##### **450—Lighting**

**451** No lighting device other than electric lights shall be used on tank vehicles. Lighting circuits shall have suitable over-current protection (fuses or automatic circuit breakers). The wiring shall have sufficient carrying capacity and mechanical strength, and shall be secured, insulated, and protected against physical damage, in keeping with recognized good practice.

##### **460—Fuel System**

**461** Fuel tanks shall be so designed, constructed and installed as to present no unusual hazard, and shall be so arranged as to vent

during filling operations and permit drainage without removal from their mountings.

**462** All portions of the fuel-feed system, including carburetor, pumps, and all auxiliary mechanisms and connections shall be constructed and installed in a workmanlike manner, and so constructed and located as to minimize the fire hazard with no readily combustible materials used therein, and shall, except for Diesel fuel connections, be well separated from the engine exhaust system. A pressure-release device shall be provided where necessary. The fuel-feed lines shall be made of materials not adversely affected by the fuel to be used or by other materials likely to be encountered, of adequate strength for their purpose, well secured to avoid chafing or undue vibration, having a readily accessible and reliable shut-off valve or stop-cock. Joints depending upon solder for mechanical strength and liquid tightness shall not be used in the fuel system at or near the engine, or its accessories, unless the solder has a melting point of not less than three hundred forty degrees F., or unless a self-closing, thermally controlled valve set to operate at not exceeding three hundred degrees F., or other equivalent automatic device, shall be installed in the fuel line on the fuel-tank side of such joint.

##### **470—Exhaust System**

**471** The exhaust system, including muffler (or silencer) and exhaust line shall have ample clearance from the fuel system and combustible materials, and shall not be exposed to leakage or spillage of product or accumulations of grease, oil or gasoline.

**472** The exhaust system, including all units, shall be constructed and installed in a workmanlike manner. A muffler (or silencer) cut-out shall not be used.

##### **480—Semitrailers**

**481** Semitrailers shall be firmly and securely attached to the vehicle drawing them, in a manner conforming with recognized good practice.

**482** Each semitrailer, shall be equipped with reliable brakes on all wheels, and adequate provision shall be made for their efficient operation from the driver's seat of the vehicle drawing the trailer, or semitrailer.

**483** Trailer connections shall be such as to prevent the towed vehicle from whipping or swerving from side to side dangerously or unreasonably and shall cause the trailer to follow substantially in the path of the towing vehicle.

##### **490—Fire Extinguishers**

**491** Each tank vehicle shall be provided with at least one portable fire extinguisher having at least a 12-B, C rating or when more than one is provided, each extinguisher shall have at least a 6-B rating. Fire extinguishers shall be kept in good condition at all times,

and they shall be located in an accessible place on each tank vehicle. [Amended January 15, 1960]

#### 500—Auxiliary Internal Combustion Engines

501 Internal combustion engines, other than those providing propulsive power, installed or carried upon a tank vehicle transporting Classes I and II flammable liquids for the purpose of providing power for the operation of pumps or other devices, shall meet the following requirements:

502 The engine air intake shall be equipped with an effective flame arrester, or an air cleaner having effective flame arrester characteristics, substantially installed and capable of preventing emission of flame from the intake side of the engine in event of backfiring.

503 The fuel system shall be so located or constructed as to minimize the fire hazard. If the fuel tank is located above or immediately adjacent to the engine, suitable shielding shall be provided to prevent spillage during the filling operation, or leakage from the tank or fuel system, from coming in contact with the engine or any parts of the ignition and exhaust systems. All parts of the fuel system shall be constructed and installed in a workmanlike manner.

504 Pumps and other appurtenances carrying or containing flammable liquids shall be so located in relation to the engine that spillage or leakage from such parts shall be prevented from coming in contact with the engine or any parts of the ignition and exhaust system, or adequate shielding shall be provided to attain the same purpose. The engine cooling fan shall be so positioned, rotated or shielded as to minimize the possibility of drawing flammable vapors toward the engine.

505 When the engine is located in a position where spillage from the cargo tank or its appurtenances or from side racks might constitute a hazard, suitable shielding shall be provided to prevent such spillage from contacting the engine or engine exhaust system and for draining such spillage away from the vicinity of the engine.

506 Where the engine is carried within an inclosed space adequate provision shall be made for air circulation at all times, to prevent accumulation of explosive vapors and to avoid overheating.

507 The exhaust system shall be substantially constructed and installed and free from leaks. The exhaust line and muffler shall have adequate clearance from combustible materials and the exhaust gases shall be discharged at a location which will not constitute a hazard. When engines are carried as in paragraph 506, the exhaust gases shall be discharged outside of each such closed space.

508 The ignition wiring shall be substantially installed with firm connections, and spark plug and all other terminals shall be

suitably insulated, to prevent sparking in event of contact with conductive materials. The ignition switch shall be of the inclosed type.

#### 510—Auxiliary Electric Generators and Motors

511 Electrical equipment, installed or carried upon a tank vehicle transporting Classes I and II flammable liquids, for the operation of pumps or other devices used for the handling of product and operating product handling accessories shall meet the following requirements:

512 Electric generators driven from a power take-off connected to the vehicle transmission or to an auxiliary transmission, or by an auxiliary internal combustion engine, shall be of the explosion proof type.

513 Electric motors shall be of the explosion proof type.

514 Wiring shall be adequate and substantially installed with all terminals firmly connected and insulated to prevent sparking from vibration or in event of contact with conductive materials. Wires shall have oil proof insulation. If overload protection is provided it shall be of the explosion proof type. All switches or other sparking devices shall be of the explosion proof type and all conduit entrances shall be sealed.

515 Where the generator or motor is located within an inclosed space adequate provision shall be made for air circulation to prevent overheating and possible accumulation of explosive vapors.

516 Electrical equipment and wiring shall be located so as to prevent contact with spillage from cargo tank or side racks or suitable shielding shall be provided to attain equivalent protection.

#### 600—Operation of Tank Vehicles

##### 610—Proper Repair

611 Tank vehicles shall not be operated unless they are in proper repair, devoid of accumulation of grease, oil or other flammables, and free of leaks.

##### 620—Filling and Discharging Tank Vehicles

621 The driver, operator or attendant of any tank vehicle shall not leave the vehicle while it is being filled or discharged. Delivery hose, when attached to a tank vehicle shall be considered to be a part of the tank vehicle.

622 Motors of tank trucks or tractors shall be shut down during making and breaking hose connections. If loading or unloading is done without the use of a power pump, the tank truck or tractor motor shall be shut down throughout such operations.

623 The cargo tank shall be bonded to the fill-pipe when loading. The bond-wire connection shall be made prior to opening the

dome covers. It shall be maintained in place during the entire filling operation and the dome covers shall be securely closed before the bond-wire is disconnected from the cargo tank.

**624** No external bond-wire connection nor bond-wires integral with a hose are needed for the unloading of flammable liquids into underground tanks.

**625** No cargo tank or compartment thereof used for the transportation of any flammable liquid shall be loaded liquid full. The vacant space (outage) in a cargo tank or compartment thereof used in the transportation of flammable liquids shall be not less than one percent; sufficient space (outage) shall be left vacant in every case to prevent leakage from or distortion of such tank or compartment by expansion of the contents due to rise in temperature in transit.

#### **630—No Smoking**

**631** Smoking by tank vehicle drivers, helpers, repairmen, or other personnel is prohibited while they are driving, making deliveries, filling, or making any repairs to tank vehicles.

#### **640—Protection Against Intermixing**

**641 Conversion:** No cargo tank compartment, the last preceding use of which was for Class I or II flammable liquid, shall be used for Class III flammable liquid until all Class I or II liquid has been completely drained from the compartment and from all piping and any pump, meter or hose connected thereto. If the compartment or any connected piping, pump, meter or hose will not drain completely, the Class I or II liquid shall be completely removed by other means.

**642 Separation:** If Class I or II flammable liquid and Class III flammable liquid are to be delivered by pump, meter or hose from different compartments of one cargo-tank load, separate withdrawal or metering equipment, whatever it may be, from the point where it is attached to the compartment outlet pipe to and including the dispensing nozzle or connection, shall be provided for Class I or II flammable liquid; and separate equipment, as aforesaid, shall be provided for Class III flammable liquid. Exception: Tank vehicles manufactured prior to the effective date of this standard may be continued in use without being so equipped if (a) lines into the common outlets or to common manifolds are provided with valves which will permit only one compartment at a time to be emptied; and (b) the common outlet, pump, meter or hose, following use for Class I or II liquid, shall be cleared as required in paragraph 641 before being used for Class III flammable liquid.

### RULES AND REGULATIONS FOR NURSING HOMES AND CUSTODIAL HOMES [Filed September 17, 1957]

[Amended October 9, 1957]

Promulgated under authority of chapter 135C and section 170.38 of the Code.

#### GENERAL PROVISIONS

##### **Section 1. Definitions**

**1.1 Nursing Home.** The term "nursing home" shall mean the same as defined in chapter 135C of the Code.

**1.2 Custodial Home.** The term "custodial home" shall mean the same as defined in chapter 135C of the Code.

**1.3 Ambulatory.** The term "ambulatory" when used in these standards shall mean a person who, without the aid of another, is physically and mentally capable of walking a normal path to safety including the ascent and descent of stairs.

**1.4 Bed Patient.** The term "bed patient" shall mean a person who is not ambulatory as defined in these standards.

**1.5 Patient.** The term "patient" shall mean any individual cared for in a nursing home, even though such person does not require nursing care.

**1.6 Resident.** The term "resident" shall mean any individual cared for in a custodial home.

**1.7 Approved.** The term "approved" when used in these standards shall mean acceptable to the state fire marshal.

a. "Approved Standards" shall mean any standard or code prepared and adopted by any nationally recognized association.

b. "Approved Equipment and Material" shall mean any equipment or material tested and listed by a nationally recognized testing laboratory.

c. "Approved" is defined as being acceptable to the state fire marshal. Any equipment, device or procedure which bears the stamp of approval of or meets applicable standards prescribed by an organization of national reputation such as the Underwriters' Laboratories, Inc., Factory Mutual Laboratories, American Society for Testing Materials, National Board of Fire Underwriters, National Fire Protection Association, American Society of Mechanical Engineers or American Standards Association, which undertakes to test and approve or provide standards for equipment, devices or procedures of the nature prescribed in these regulations shall be deemed acceptable to the state fire marshal.

**1.8 Attic.** The term "attic" when used in these standards shall mean the space between the ceiling beams of the top habitable story and the roof rafters.

**1.9 Automatic.** The term "automatic" as applied to a door, window or other protection for an opening shall mean that such door, window or other protection is so constructed

and arranged that if open it will close when subjected to a predetermined temperature or rate of temperature rise.

**1.10 Automatic Sprinkler System.** The term "automatic sprinkler system" shall mean an arrangement of piping and sprinklers designed to operate automatically by the heat of fire and to discharge water upon the fire, according to the standards of the National Board of Fire Underwriters.

**1.11 Basement.** The term "basement" when used in these standards shall mean that portion of the building partly underground, but having less than half its clear height below the average grade of the adjoining ground.

**1.12 Cellar.** The term "cellar" shall mean that portion of the building partly underground, having half or more than half of its clear height below the average grade of the adjoining ground.

**1.13 Combustible.** The term "combustible" shall mean that which is easily ignited.

**1.14 Combustible or Hazardous Storage Area or Room.** The term "combustible or hazardous storage area or room" shall mean those areas containing heating apparatus and boiler rooms, basements or attics used for the storage of combustible material, flammable liquids, workrooms such as carpenter shops, paint shops and upholstery shops, central storerooms such as furniture, mattresses and miscellaneous storage, and similar occupancies intended to contain combustible materials which will either be easily ignited, burn with an intense flame or result in the production of dense smoke and fumes.

**1.15 Exit.** The term "exit" shall mean the exit doorway or doorways, or such doorways together with connecting hallways or stairways, either interior or exterior, or fire escapes, designed to provide means by which individuals may proceed safely from a room or space to a street or to an open space which provides safe access to a street.

**1.16 Fire Door.** The term "fire door" shall mean a door and its assembly, so constructed and assembled in place as to give protection against the passage of fire, equal to surrounding construction.

**1.17 Fire Partition.** The term "fire partition" shall mean a partition which subdivides a story of a building to provide an area of refuge or to restrict the spread of fire.

**1.18 Fire-Resistance.** The term "fire-resistance" shall mean that property of materials or assemblies which prevents or retards the passage of excessive heat, hot gases, or flames under condition of use. The terms "fire-resistant" and "fire-resistive" shall mean the same as "fire-resistance."

**1.19 Fire-Resistance Rating.** The term "fire-resistance rating" shall mean the time in hours or fractions thereof that materials or

their assemblies will resist fire exposure as determined by fire tests conducted in compliance with approved standards.

**1.20 Fire Wall.** The term "fire wall" shall mean a wall of brick or reinforced concrete having adequate fire-resistance and structural stability under fire conditions to accomplish the purpose of completely subdividing a building or of completely separating adjoining buildings to resist the spread of fire. A fire wall shall extend continuously through all stories from foundation to or above the roof.

**1.21 Flammable Liquid.** The term "flammable liquid" shall mean any liquid which is governed by the rules and regulations promulgated by the state fire marshal under the state of Iowa laws governing the handling, storage and transportation of petroleum and petroleum products.

**1.22 Local Fire Alarm System.** The term "local fire alarm system" shall mean a local system of electrically supervised devices, the signals of which are transmitted to one or more placed in the premises covered, primarily for the notification of occupants. Such a system may also include automatic or manual transmission of alarms, or trouble signals or both, to a fire station or fire brigade and may also include supervisory service as well as alarm service.

**1.23 Automatic Fire Alarm System.** The term "automatic fire alarm system" shall mean a system which automatically detects a fire condition and actuates a fire alarm signal device.

**1.24 Manual Fire Alarm System.** The term "manual fire alarm system" shall mean a system which is not an automatic fire alarm system.

**1.25 Means of Egress.** The term "means of egress" shall have the same meaning as "exit" as defined in these standards.

**1.26 New Homes.** The term "new homes" shall include new construction, additions to existing licensed homes and existing buildings converted to nursing or custodial homes.

**1.27 Smoke Barrier.** The term "smoke barrier" shall mean a partition with a fire-resistance rating of not less than one hour, equipped with a door and jamb of the same rating and hung so as to be reasonably smoke and gastight when closed. The door shall be not less than forty-four inches wide and shall not be fastened in an open position by a device which will require more than one movement of normal strength to swing such door to a closed position. Such barrier shall be located to provide ample area of refuge on each side of such partition or barrier for all occupants served by the barrier. The barrier may have wired-glass panels, each not to exceed five square feet. The wire-glass shall be standard clear wire-glass.

**1.28 Sprinklered.** The term "sprinklered" shall mean to be completely protected by an approved system of automatic sprinklers installed and maintained in accordance with approved standards.

**1.29 Story.** The term "story" shall mean that part of a building comprised between a floor and the floor or roof next above and shall apply to the basement and other floor areas below. The first floor shall be that story which is of such height above grade that it does not come within the definition of a basement or shall be that story located immediately above a basement.

**1.30 Fire-Resistive Construction.** "Fire-resistive construction" shall mean all structural members including walls, columns, piers, beams, girders, joists, trusses, floors and roofs shall be of approved noncombustible material.

**1.31 Ordinary Construction.** "Ordinary construction" shall mean that type of construction having exterior walls of noncombustible material, such as brick or cement block, and other structural members including floors, roofs, beams, girders and joists are wholly or partly of wood or other combustible material.

**1.32 Wood Frame Construction.** "Wood frame construction" shall mean that type of construction in which the structural members are wholly or partly of wood or other combustible material and the construction does not qualify as ordinary construction.

## Section 2. Classifications

**2.1 Class 1A** shall include one to four patients or residents in ordinary or frame construction buildings.

**2.2 Class 2A** shall include four to twenty-one patients or residents in ordinary or frame construction buildings.

**2.3 Class 3A** shall include more than twenty patients or residents in ordinary or frame construction buildings.

**2.4 Class 1B** shall include one to four patients or residents in fire-resistive construction buildings.

**2.5 Class 2B** shall include four to twenty-one patients or residents in fire-resistive construction buildings.

**2.6 Class 3B** shall include more than twenty patients or residents in fire-resistive construction buildings.

## Section 3. Existing Nursing and Custodial Homes

**3.1 Height.** Class 1A, 2A and 3A patients or residents shall not be housed above the second floor. Class 1B, 2B and 3B patients or residents no limit.

**3.2 Floor Areas.** All unsprinklered floors above the first, having a maximum occupancy above thirty persons, shall be divided into

two sections by a fire wall or fire partition with ample room on each side for the total number of beds on each floor. Doors in the fire wall shall be of the type of construction that will furnish fire and smoke protection equal to the building construction.

### 3.3 Exit Details.

a. Exits shall be of the following types or combinations thereof:

1. Horizontal exits.
2. Doors leading directly outside the buildings (without stairs).
3. Ramps.
4. Stairways.
5. Seven-foot spiral slides.

b. At least two exits of the above types, remote from each other, shall be provided for every floor or section of the building. At least one exit in every floor or section shall be of Type 2, 3 or 4 as listed above. Exterior fire escape stairs may be accepted by the enforcing authority as a second means of exit.

c. At least one required exit from each floor above or below the first floor shall lead directly, or through an inclosed corridor, to the outside. A second or third required exit, where a more direct exit is impracticable, may lead to a first floor lobby having ample and direct exits to the outside.

d. Exits shall be of such number and so located that the distance of travel from the door of any occupied room to an exit from that floor shall not exceed fifty feet in an unsprinklered building nor seventy-five feet in a sprinklered building.

e. Exit doors shall not be locked against the egress by bolts, key locks, hooks or padlocks. A latch type lock is permissible that locks against outside entrance.

**3.4 Construction and Arrangement.** All stairs, ramps or other ways of exit for areas shall be of such width and so arranged as to avoid any obstruction to the convenient removal of nonambulatory persons by carrying them on stretchers or on mattresses serving as stretchers. A standard forty-four inch wide stairway or ramp is the minimum recommended. A person on a thirty-nine inch wide mattress may be carried through a forty inch doorway. Where persons are to be carried on mattresses or stretchers, extra space may be needed to make turns at stair landings.

### 3.5 Access.

a. Each occupied room shall have at least one doorway opening directly to the outside, or to a corridor leading directly or by a stairway or ramp to the outside, or to an adjacent room which has such access to the outside.

b. Doors serving as exits, or parts of exits shall be at least thirty-six inches wide, except that existing room doors not less than thirty inches wide may be accepted by the enforcing authority.

c. Corridors and passageways to be used as

a means of exit, or part of a means of exit, shall be at least forty-four inches wide.

d. Corridors and passageways to be used as a means of exit, or part of a means of exit, shall be unobstructed and shall not lead through any room or space used for a purpose that may obstruct free passage. Corridors and passageways which lead to the outside from any required stairway shall be inclosed as required for stairways.

e. All rooms must be equipped with a door. Divided doors shall be of such type that when the upper half is closed, the lower section shall close.

### 3.6 Protection of Vertical Openings.

a. Interior stairways shall be protected by complete inclosures with walls having fire-resistance rating appropriate to the type of building construction to protect the stairway as a means of exit and to prevent the spread of fire or smoke up the stairway from floor to floor, except that where a standard stairway inclosure is impracticable, partitioning with similar materials to cut off the stairway at floor levels may be accepted.

b. All doorways in stairway inclosures or partitions shall be provided with approved self-closing fire doors, except that no such doors shall be required for doorways leading directly outside the buildings.

c. Vertical openings other than stairways shall be protected as required above for stairways, except that automatic sprinkler protection may be accepted in lieu of inclosure.

### 3.7 Automatic Sprinklers.

a. Where automatic sprinkler systems are installed to meet the requirements of this standard, they shall be approved standard systems with water-flow alarm, protecting the entire building, except that where a single automatic sprinkler is installed for protection of a vertical opening, such as a laundry chute, or for protection of small hazardous areas such as a closet used for combustible storage, such a single sprinkler may be connected to the domestic water supply system. Where public water supplies are lacking or are inadequate for an automatic sprinkler system, a pressure tank system may be used. Open or unheated porches and unoccupied attic areas may be exempted from sprinkler protection in Class 3A homes (section 2).

b. All homes of ordinary construction equipped with automatic sprinkler protection, and meeting all requirements of this section governing existing nursing homes, shall be excepted from the requirements of paragraph 3.1.

c. Homes of Class 3A (section 2) shall be equipped with automatic sprinkler systems two years from the effective date of these regulations.

d. Existing three-story frame nursing homes, presently using third floors, may continue operation provided they are automatically sprinkler protected in accordance with the

underwriter's standards and that third floor occupancy is not in violation of state law or city ordinance. This regulation is effective immediately.

### 3.8 Fire Detection Systems.

a. Where fire detection systems are installed to meet the requirement of this standard, they shall be approved electrically supervised systems protecting the entire building, including unoccupied spaces such as attics. Where fixed temperature devices are used, they shall be constructed to operate at one hundred sixty-five degrees F. or less, except that in spaces where high temperature is normal, devices having a higher operating point may be used. Operation of a thermostatic device shall cause an alarm which is audible throughout the building, or, where advisable because of the type of occupancy, the system may be so arranged that the initial alarm signal will sound only at some central point where twenty-four hour service is maintained.

b. There shall be an automatic fire detection system in all homes except where there is a sprinkler system and Class 1A and Class 1B homes (section 2).

c. Homes of Class 1A and Class 1B (section 2) shall have an outside means of communication, such as a telephone.

### 3.9 Fire Extinguishers.

a. Approved type fire extinguishers shall be provided on each floor, so located that a person will not have to travel more than seventy-five feet from any point to reach the nearest extinguisher. An additional extinguisher shall be provided in, or adjacent to, each kitchen or basement storage room.

b. Type and number of portable fire extinguishers shall be determined by the state fire marshal. The confirmation of compliance with the above requirements shall be by the local authority having jurisdiction.

3.10 Heating. Heating shall be by a central system supplying steam, hot water or hot air, except that existing space heaters may continue to be used where approved as to type and installation by the enforcing official. All furnace rooms shall be supplied with outside air sufficient for proper combustion. All furnaces and other fired units shall be vented by suitably constructed and protected smoke pipes and chimneys. All furnaces and other fired units shall be separated from combustible surfaces by sufficient air space, the application of noncombustible insulation, or both. Portable heaters, except electric heaters in bathrooms, shall not be used.

## Section 4. Equipment and Operational Features For Existing and New Nursing and Custodial Homes

### 4.1 Attendants, Evacuation Plan.

a. Every nursing and custodial home shall have at least one attendant on duty, awake and dressed therein at all times, and, in addition, one stand-by attendant within hearing

distance and available for emergency service. These attendants shall be at least eighteen years of age and capable of performing the required duties of evacuation. No person other than the management or a person under management control shall be considered as an attendant.

b. The above paragraph shall not apply to homes of Class 1A and Class 1B (section 2) and shall apply in all others except where there are less than ten patients.

c. Every nursing and custodial home shall formulate a plan for the protection of all persons in the event of fire and for their evacuation to areas of refuge and from the building when necessary. All employees shall be instructed and kept informed respecting their duties under the plan.

d. Every mattress shall be provided with strong handles so that it may serve as a stretcher when necessary for evacuation or shall be equipped with other approved carrying device.

**4.2 Smoking.** Smoking may be permitted in nursing and custodial homes only where proper facilities are provided. Smoking shall not be permitted in sleeping quarters or dormitories, except at such times as supervision is provided and upon recommendation of attending physician.

#### 4.3 Signs and Lighting.

a. Signs bearing the word "EXIT" in plainly legible block letters shall be placed at each exit opening, except at doors directly from rooms to exit corridors or passageways and except at doors leading obviously to the outside from the entrance floor. Additional signs shall be placed in corridors and passageways wherever necessary to indicate the direction of exit. Letters of signs shall be at least six inches high, except that the letters of internally illuminated exit signs may be not less than four and one-half inches high. All exit and directional signs shall be maintained clearly legible by electric illumination or other acceptable means when natural light fails.

b. All stairways and other ways of exit and the corridors or passageways appurtenant thereto shall be properly illuminated at all times to facilitate egress in accordance with the requirements for exit lighting.

#### 4.4 Combustible Contents.

a. All combustible decorative and acoustical material including textile floor coverings and curtains located in corridors, patient rooms, passageways or stairway inclosures and in lobbies or other rooms or spaces for use by occupants or visitors, shall be rendered and maintained flame-resistant.

b. Fresh cut flowers and decorative greens, as well as living vegetation, may be used for decoration, except those containing pitch or resin.

c. This shall not apply to homes of Class 1A and Class 1B (section 2).

d. Fiber base, acoustical ceiling treatment or wallboard shall not be installed in any nursing and custodial home after the effective date of these regulations.

#### 4.5 Occupancy Restrictions.

a. Sleeping rooms or dormitories shall not be located in cellars.

b. Occupancies not under the control of, or not necessary to, the administration of a nursing and custodial home, are prohibited therein with the exception of the residence of the owner or manager.

c. The above regulations shall apply to existing or new nursing and custodial homes, all classes.

#### 4.6 Maintenance.

a. Regular and proper maintenance of electric service, heating plants, alarm systems, sprinkler systems, fire doors and exit facilities shall be a requisite for nursing and custodial homes of all classes.

b. Storerooms shall be maintained in a neat and proper manner at all times.

c. Excessive storage of combustible materials such as papers, cartons, magazines, paints, sprays, old clothing, furniture and similar materials shall be prohibited at all times in nursing and custodial homes.

d. The above regulations shall apply to both existing and new nursing and custodial homes.

### Section 5. New Nursing and Custodial Homes

#### 5.1 Regulation.

a. New nursing and custodial homes shall be those constructed after the effective date of this regulation.

b. It shall also include homes contemplated for use as a nursing or custodial home that are to be remodeled or additions to present homes where the addition is to provide rooms for more than four patients.

c. Homes of Class 1A (section 2) will be excepted from the above regulations.

**5.2 Construction.** All new construction shall be in accordance with the applicable provisions in the following subparagraphs. The recommendations follow nationally recognized technical engineering authorities. The references are taken from the National Building Code recommendations by the National Board of Fire Underwriters and the United States Department of Health, Education and Welfare.

a. Fire-resistive construction — no limits to height and area of building.

1. Columns and piers shall have a fire-resistive rating not less than three hours.

2. Floors shall have a fire-resistive rating of two hours.

3. Roofs shall have a fire-resistive rating of not less than one and one-half hours.

4. Beams, girders and trusses shall have a fire-resistive rating of two hours.

5. Walls bearing exterior and interior por-

tions shall have a fire-resistive rating of three hours.

6. Partitions shall have a fire-resistive rating of two hours.

b. Noncombustible construction—limited to two stories except when protected with an approved sprinkler system.

1. General—all structural including walls, partitions, columns, piers, beams, girders, joists, trusses, floors and roofs shall be of approved noncombustible material not less than one hour fire-resistive rating.

2. Exterior walls shall have a fire-resistive rating of two hours.

c. One-story buildings shall be constructed of not less than one hour fire-resistant construction throughout except that boiler rooms, heating rooms and combustible storage rooms shall be of two hour fire-resistant construction. Protected wood frame construction when roof and floor construction and their supports have one hour fire-resistance and stairways and other openings through floors are inclosed with partitions having one hour fire-resistance, shall be acceptable as one-story buildings for nursing and custodial homes.

d. Other types of construction — not permitted.

e. In determining the height of a building in stories, the basement shall be considered as a story if the floor of the first story is more than eight feet six inches above grade level at any point next to the building. Service and entrance areaways encompassing not more than ten percent of the perimeter of the building may be disregarded. An attic or roof space not used for storage and not occupied shall not be considered as a story.

### 5.3 Division of Floor Areas.

a. Each floor occupied by thirty or more persons shall be divided into at least two fire sections by partitions having at least a one hour fire-resistance rating. At least thirty square feet per person shall be provided on each side for the total number of persons on the floor. Partitions shall have at least a one hour fire-resistance rating. They shall extend to the roof in attics where the ceiling below has less than a two-hour fire-resistance rating. Openings in such partitions shall occur only in public rooms or corridors and shall be protected by approved fire doors so installed that they may normally be kept in open position but will close automatically in case of fire or may be released manually to self-closing action.

b. No more than one hundred fifty feet of corridor without such partitions, as defined in "a" above shall be permitted. The enforcing authority may require additional partitions where he finds them necessary for the safety of the occupants.

### 5.4 Exit Details.

a. Exits shall be of the following types, or combinations thereof.

1. Horizontal exits.
2. Doors leading directly outside the buildings (without stairs).
3. Ramps.
4. Stairways.
5. Seven-foot spiral slides.

b. At least two exits of the above types, remote from each other, shall be provided for every floor or section of the building. At least one exit in every floor or section shall be of Type 2, 3 or 4 as listed above. Exterior fire escape stairs may be accepted by the enforcing authority as a second means of exit.

c. At least one required exit from each floor above or below the first floor shall lead directly, or through an inclosed corridor, to the outside. A second or third required exit, where a more direct exit is impracticable, may lead to a first floor lobby having ample and direct exits to the outside.

d. Exits shall be of such number and so located that the distance of travel from the door of any occupied room to an exit from that floor shall not exceed one hundred feet in an un-sprinklered building nor one hundred fifty feet in a sprinklered building. [Amended January 15, 1960]

e. Exit doors shall not be locked against the egress by bolts, key locks, hooks or padlocks. A latch type lock is permissible that locks against outside entrance.

**5.5 Construction and Arrangement.** All stairs, ramps or other ways of exit for areas shall be of such width and so arranged as to avoid any obstruction to the convenient removal of nonambulatory persons by carrying them on stretchers or on mattresses serving as stretchers. A standard forty-four inch wide stairway or ramp is the minimum recommended. A person on a thirty-nine inch wide mattress may be carried through a forty-inch doorway. Where persons are to be carried on mattresses or stretchers, extra space may be needed to make turns at stair landings.

### 5.6 Access.

a. Each occupied room shall have at least one doorway opening directly to the outside, or to a corridor leading directly or by a stairway or ramp to the outside, or to an adjacent room which has such access to the outside.

b. Corridors and passageways to be used as a means of exit, or part of a means of exit, shall be at least forty-four inches wide.

c. Corridors and passageways to be used as a means of exit, or part of a means of exit, shall be unobstructed and shall not lead through any room or space used for a purpose that may obstruct free passage. Corridors and passageways which lead to the outside from any required stairway shall be inclosed as required for stairways.

d. All rooms must be equipped with a door. Divided doors shall be of such type that when the upper half is closed, the lower section shall close.



### 5.7 Doors.

a. Outside landings to which exit doors discharge shall be located at points where the finish grade is not more than five risers higher or lower than the exit door sill.

b. Wherever possible, outside stairs should be eliminated in favor of ramps, particularly in one-story buildings so that beds on casters can be rolled quickly to the outside without removing the patients from the beds.

c. No locks shall be installed on patient room doors.

d. All doorways to patient occupied spaces and all doorways between the patient occupied spaces and the required exits shall be at least forty-four inches in clear width to permit the transportation of patients on beds, cots, litters or mattresses from one section to another or to the outside.

e. Doors to any room accommodating more than four persons shall swing with exit travel.

### 5.8 Protection of Vertical Openings.

a. Interior stairways shall be protected by complete inclosures with walls having fire-resistance rating appropriate to the type of building construction to protect the stairway as a means of exit and to prevent the spread of fire or smoke up the stairway from floor to floor, except that where a standard stairway inclosure is impracticable, partitioning with similar materials to cut off the stairway at floor levels may be accepted.

b. All doorways in stairway inclosures or partitions shall be provided with approved self-closing fire doors, except that no such doors shall be required for doorways leading directly outside the building.

c. Vertical openings other than stairways shall be protected as required above for stairways, except that automatic sprinkler protection may be accepted in lieu of inclosure.

**5.9 Automatic Sprinklers.** Where automatic sprinkler systems are installed to meet the requirements of this standard, they shall be approved standard systems with water-flow alarm, protecting the entire building, except that where a single automatic sprinkler is installed for protection of a vertical opening, such as a laundry chute, or for protection of small hazardous areas such as a closet used for combustible storage, such a single sprinkler may be connected to the domestic water supply system. Where public water supplies are lacking or are inadequate for an automatic sprinkler system, a pressure tank may be used.

### 5.10 Fire Detection Systems.

a. Where fire detection systems are installed to meet the requirement of this standard, they shall be approved electrically supervised systems protecting the entire building, including unoccupied spaces such as attics. Where fixed temperature devices are used, they shall be constructed to operate at one hundred sixty-five degrees F. or less, except that in spaces

where high temperature is normal, devices having a higher operating point may be used. Operation of a thermostatic device shall cause an alarm which is audible throughout the building or, where advisable because of the type of occupancy, the system may be so arranged that the initial alarm signal will sound only at some central point where twenty-four hour service is maintained.

b. There shall be an automatic fire detection system in all homes except where there is a sprinkler system and Class 1A and Class 1B homes (section 2).

c. Homes of Class 1A and Class 1B (section 2) shall have an outside means of communication, such as a telephone.

### 5.11 Fire Extinguishers.

a. Approved type fire extinguishers shall be provided on each floor, so located that a person will not have to travel more than seventy-five feet from any point to reach the nearest extinguisher. An additional extinguisher shall be provided in, or adjacent to, each kitchen or basement storage room.

b. Type and number of portable fire extinguishers shall be determined by the state fire marshal. The confirmation of compliance with the above requirements shall be by the local authority having jurisdiction.

**5.12 Heating.** Heating shall be a central system supplying steam, hot water or hot air at new nursing and custodial homes, except Class 3B homes (section 2) shall have either steam or hot water systems. All furnace rooms shall be supplied with outside air sufficient for proper combustion. All furnaces and other fire units shall be vented by suitably constructed and protected smoke pipes and chimneys. Portable heaters, except electric heaters in bathrooms, shall not be used.

Section 6 "Equipment and optional features" of nursing home rules filed September 17, 1957 was rescinded by the Public Safety Department October 9, 1957.

## FIRE SAFETY RULES AND REGULATIONS FOR SCHOOL AND COLLEGE BUILDINGS

[Filed December 19, 1960]

### DIVISION I

#### GENERAL REQUIREMENTS AND DEFINITIONS

#### Section 1. General Requirements

**1.1** Every building or structure, new or old, designed for school or college occupancy, shall be provided with exits sufficient to permit the prompt escape of students and teachers in case of fire or other emergency. The design of exits and other safeguards shall be such that reliance for safety to life in case of fire or other emergencies will not depend solely on any single safeguard; additional safeguards shall be provided for life safety in case any single safeguard is ineffective due to some human or mechanical failure.

**1.2** Every building or structure shall be so constructed, arranged, equipped, maintained and operated as to avoid undue danger to

lives and safety of its occupants from fire, smoke, fumes or resulting panic during the period of time reasonably necessary for escape from the building or structure in case of fire or other emergency.

**1.3 Exits** shall be provided of kinds, numbers, location and capacity appropriate to the individual building or structure, with due regard to the character of the occupancy, the number of persons exposed, the fire protection available, and the height and type of construction of the building or structure, to afford all occupants convenient facilities for escape.

**1.4 Fire escapes**, where specified, shall be installed and the design and use of materials shall be in accordance with chapter 103, Code of Iowa, and the fire escape regulations set forth in the Iowa Departmental Rules.

**1.5 All changes or alterations** to be made in any school or college building, whether new or existing, shall conform with the applicable provisions of these regulations.

**1.6 Each school building of two or more classrooms**, not having a principal or superintendent on duty, shall have a teacher appointed by the school officials to supervise school fire drills and be in charge in event of fire or other emergency. This paragraph shall not apply to college buildings.

**1.7 Compliance with these regulations** shall not be construed as eliminating or reducing the necessity for other provisions for fire safety of persons using a school or college building under normal occupancy conditions nor shall any provision of these regulations be construed as requiring or permitting any conditions that may be hazardous under normal occupancy conditions.

**1.8 In existing multistoried buildings** where there is substantial compliance with these regulations, the state fire marshal may waive specific requirements of these regulations. Such waivers shall be granted only after taking into consideration; the age of the regular occupants of the building, the use to which the building is put, the potential hazard to occupants occasioned by noncompliance, the design of the building and difficulty of installing the fire safety device, the excessive cost of full compliance and availability of funds therefore. [Amended June 22, 1962]

## Section 2. Definitions

**2.1 School and College Buildings.** For the purpose of these regulations, school and college buildings are those used as a gathering of groups of persons for the purpose of instruction and they are distinguished from other types of occupancies in that the same occupants are regularly present and are subject to discipline and control.

**2.2 Elementary School.** An elementary school shall be those buildings that include kindergarten through sixth grade (K-6).

**2.3 Classroom.** Any room originally designed, or later suitably adapted to accommodate some form of group instruction on a day by day basis, excluding such areas as auditoriums, gymnasiums, lunch rooms, libraries, multipurpose rooms, study halls and similar areas. Storage and other service areas opening into and serving as an adjunct to a particular classroom shall be considered as part of that classroom area.

**2.4 Exit.** An exit is a way to get from the interior of a building or structure to the open air outside at the ground level. It may comprise vertical and horizontal means of travel such as doorways, stairways, ramps, corridors, passageways and fire escapes. An exit begins at any doorway or other point from which occupants may proceed to the exterior of the building or structure with reasonable safety under emergency conditions.

**2.5 Story.** If the finished floor level directly above a basement or cellar is more than six feet above grade, such basement or cellar shall be considered a story.

**2.6 Basement.** A basement is a story partly underground but having at least one-half of its height measuring from floor to ceiling above the grade level of the adjoining ground.

**2.7 New Construction.** Those buildings designed and constructed after the effective date of these regulations.

**2.8 Approved.** Approved is defined as being acceptable to the state fire marshal. Any equipment or device which bears the seal of the Underwriters' Laboratories, Incorporated, Factory Mutual Laboratory, American Standards Association, or the American Gas Association shall be accepted as approved. In the case of standards for safety, the criteria shall be the National Fire Codes as published by the National Fire Protection Association.

**2.9 Fire Alarm System.** A fire alarm system shall be an electrically energized system approved by the state fire marshal, using component parts approved by the Underwriters' Laboratories, Incorporated, and providing facilities of a type to warn the occupants of an existence of fire so that they may escape or to facilitate the orderly conduct of fire exit drills.

## DIVISION II SCHOOL BUILDINGS

### Section 3. Exits

**3.1 The population of all school buildings**, for the purpose of determining the required exits and the required space for classroom use shall be determined on the following basis:

a. The square feet of floor space for persons in school buildings shall be one person for each forty square feet of gross area.

b. In the case of individual classrooms in schools, there shall be twenty square feet of classroom space for each student.

c. In gymnasiums and auditoriums, the

capacity for seating shall be on the basis of six square feet net per person.

**3.2** Exits shall be provided of kinds, numbers, location and capacity appropriate to the individual building.

**3.3** Exits shall be so arranged and maintained as to provide free and unobstructed egress from all parts of every building or structure at all times when the building or structure is occupied. No locks or fasteners to prevent free escape from the inside of any building shall be installed.

**3.4** Exits shall be clearly visible or routes to reach them shall be conspicuously indicated in such manner that every occupant of every educational building who is physically and mentally capable will readily know the direction of the escape from any point and each path of escape in its entirety shall be so arranged or marked that the way to a place of safety outside is unmistakable.

**3.5** In all school buildings where artificial illumination is needed, electric exit signs or directional indicators shall be installed and adequate lighting provided for all corridors and passageways.

**3.6** Where additional outside stairs or fire escapes are required by law, they shall be Class B, double width (forty-four inches), and shall extend to the ground. Platforms for outside stairs or fire escapes shall have a minimum dimension of forty-four inches. Outside stairs and fire escapes shall be constructed in accordance with the state law and regulations. Fire escapes shall not be permitted on new construction.

**3.7** There shall be a minimum of two means of exit remote from each other from each floor of every school building. The traveled distance from a classroom door to an exit shall not exceed one hundred feet measured along the line of travel. In sprinklered buildings, the distance may be increased to one hundred fifty feet.

**3.8** Every room with a capacity of one hundred persons or over and having more than two thousand square feet of floor area shall have at least two doorways as remote from each other as practicable. Such doorways shall provide access to separate exits but may open onto a common corridor leading to separate exits in opposite directions.

**3.9** Each elementary classroom shall have a secondary avenue of escape. This may be a door leading directly outside the building, a window (see section 6), another door to an alternate corridor or a connecting door to a second room and thence to a secondary route of escape.

#### Section 4. Corridors

**4.1** Corridors used as means of access to exits, and corridors used for discharge from exits, shall provide a clearance of at least

six feet in width, except in the case of buildings constructed prior to the effective date of this amendment. Room doors or locker doors swinging into corridors shall not, at any point in the swing, reduce the clear effective width of the corridor to less than six feet, nor shall drinking fountains or other equipment, fixed or movable, be so placed as to obstruct the required minimum six foot width. [Amended April 6, 1965]

**4.2 a.** In existing buildings, where clothes are hung exposed in exit corridors, they shall be separated by partitions of sheet metal or equivalent material. Partitions shall be placed at six-foot intervals, be a minimum of eighteen inches in depth, extend at least one foot above the coat hooks and within eight inches of the floor.

**b.** Where open clothing is hung in exit corridors as described above, an automatic fire detection system shall be installed in the corridor. Sprinkler systems may be installed in lieu of the automatic detection system.

**4.3** In new construction, open clothing storage shall not be permitted in exit corridors.

**4.4** Except as permitted in paragraph 4.2, no combustible materials shall be stored in exit corridors.

**4.5** The walls of corridors, used for exit facilities, shall be solid partitions of noncombustible finish material.

**4.6** Where borrowed light panels of clear glass are used in exit corridors, the requirements of section 18, of these regulations, shall apply, except that clear glass windows in doors and transoms may be permitted in existing buildings when nonhazardous activities are carried on in the classroom.

**4.7** Any single corridor or combination of corridors having an unbroken length of three hundred feet or more shall be divided into sections by smoke barriers consisting of smoke stop doors. Doors may be of ordinary solid wood type not less than one and three-fourths inches thick with clear wired glass panels. Such doors shall be of self-closing, double-swing type and may be either single or double. They shall close the opening completely with only such clearance as is reasonably necessary for proper operation. [Amended April 6, 1965]

**4.8** There shall be no dead end in any corridor or hall more than twenty feet beyond the exit.

#### Section 5. Doors

**5.1** The entrance and exit doors of all school buildings and the doors of all classrooms shall open outward.

**5.2** Doors shall be provided for main exit facilities leading to a platform connecting with either outside stairs or fire escapes. Doors leading to outside stairways or fire escapes shall have a minimum width of forty inches, except that on existing buildings where it is

not practical to install a door of forty inch width, a narrower door at least thirty inches in width may be installed.

**5.3** The main exit and entrance doors and doors leading to fire escapes shall be equipped with panic type latches that cannot be locked against the exit.

**5.4** Doors protecting stairways and doors leading to fire escapes or outside stairs may have wire-glass panes installed providing that the size of any single pane does not exceed nine hundred square inches.

**5.5** Doors protecting vertical openings or fire doors installed where protection of hazardous rooms or areas are required shall be equipped with door closers and shall not be blocked open.

**5.6 a.** Classroom doors, in new construction, shall be thirty-six inches wide. In existing buildings, doors of not less than thirty inches in width may be used.

**b.** School buildings designed without doors to classrooms shall meet the requirements of section 18 of these regulations.

**5.7** Boiler, furnace or fuel room doors, communicating to other building areas, shall be one and one-half-hour rated doors and frames, normally closed and hung to swing into the boiler room. [Amended April 6, 1965]

**5.8** Doors to storage of combustibles off corridors shall be at least one and three-fourths inch solid core wood. [Filed April 6, 1965]

## Section 6. Windows

**6.1** Windows below or within ten feet of an outside stairway or fire escape shall have panes of wire-glass.

**6.2** Where a window is to be used as a secondary avenue of escape for elementary classrooms (see Exits), it shall (without the use of tools) be easily opened from the inside to provide a clear opening of adequate size to use in an emergency. The bottom of this window shall not exceed thirty-four inches above the floor. In existing buildings, solid platforms or permanent steps may be permitted to meet the requirements of this section. [Amended June 22, 1962]

**6.3** Double hung or hinged windows, having a clear opening equal to or greater than thirty inches by thirty inches, will meet the standards of paragraph 6.2, providing the other requirements of paragraph 6.2 are followed. [Amended June 22, 1962]

## Section 7. Stairway Inclosures and Floor Cutoffs

**7.1** In buildings of more than one story, stairs shall be inclosed with protected non-combustible construction except those in accordance with paragraph 7.2. Doors shall be one and three-fourths inch solid wood construction, or better, with wire-glass allowable. [Amended April 6, 1965]

**7.2** In existing buildings of two stories with no basement, where such buildings are fire-resistive construction throughout, or fire-resistive first story and noncombustible or heavy timber second story, the stairs need not be inclosed, provided, (1) all exitway finish is Class A [flame spread rating not exceeding twenty-five], (2) no open storage of wardrobe, books, or furniture in exitways or spaces common to them and (3) the stairs from the second floor lead directly to an outside door or vestibule leading to the outside of the building.

**7.3** In new construction, the inclosures or protection of vertical openings shall be of the same type of construction as the surrounding material used for walls and partitions.

**7.4** In existing buildings, the stairway inclosures or the protection of vertical openings shall be the equivalent of wood studding with gypsum lath and plaster on both sides. The doors shall be at least one and three-fourths inch solid core wood doors. Maximum nine hundred square inch glass panels allowable.

**7.5** Stairways from boiler, furnace or fuel rooms, communicating to other building areas, shall be inclosed at top and bottom. The entire stair inclosure shall be noncombustible construction. The doors (other than to the boiler room) may be one and three-fourths inch solid wood with a maximum of nine hundred square inches of wired glass allowable.

**7.6** Except as provided elsewhere in this section, interior stairways used as exits shall be inclosed. The construction of the inclosure shall be in accordance with the provisions of paragraph 7.1.

**7.7** Cutoffs between floors for stairways not used as exit facilities shall use the same type of construction as provided in paragraph 7.1.

## Section 8. Interior Finishes

**8.1** The interior finishes of all exit corridors and passageways shall have Class A ceiling finish with a flame spread rating of not more than twenty-five as determined by the "fire tunnel tests" conducted by the Underwriters' Laboratories, Incorporated and assigned to materials used for interior finish.

**8.2** Whenever the fire marshal determines the fire hazard is great enough, Class A materials for room finishes shall be used in science laboratories, shop areas, and such other areas as the fire marshal shall designate, in addition to those areas designated by paragraph 8.1.

**8.3** In new construction, all interior finishes shall be Class C or better.

**8.4** In existing buildings, ceiling finishes not meeting the requirements of paragraphs 8.1 or 8.3 may be corrected by the use of a fire retardant treatment provided however, if the material is combustible, it shall be adhered

to a continuous backing. The treatment may be used in lieu of replacing the finished material providing the material used for treatment is listed by Underwriters' Laboratories Incorporated and is applied in strict accordance with the manufacturers' directions. [Amended June 22, 1962]

### Section 9. Construction

9.1 Types of construction as defined in the Uniform Building Code, 1964 Edition of the International Conference of Building Officials:

- a. Fire-resistive.
- b. Heavy timber.
- c. Noncombustible.
- d. Ordinary.
- e. Wood frame.

[Amended April 6, 1965]

9.2 Noncombustible, ordinary or wood frame construction may be modified by using materials giving one-hour or greater fire protection.

9.3 Types of construction permitted:

a. One-story buildings and one-story wings on multistory buildings may be any of the types designated in paragraph 9.1, or combinations thereof, but with ordinary or wood frame construction, protected materials shall be used.

b. Two-story buildings may be constructed of fire-resistive or protected noncombustible materials throughout, or the first story may be constructed of fire-resistive or protected noncombustible materials with the second story having either heavy timber or noncombustible materials.

c. Buildings of more than two stories shall be fire-resistive throughout.

9.4 Construction of the floor located above a basement shall be of fire-resistive or protected noncombustible materials.

9.5 Construction of the floor located above a crawl space or a pipe tunnel shall be of fire-resistive or noncombustible materials.

9.6 Boiler rooms, furnace rooms or fuel rooms which have no stories located above may be constructed of fire-resistive, noncombustible, protected heavy timber or protected ordinary materials.

9.7 Boiler rooms, furnace rooms or fuel rooms with building above shall be of fire-resistive construction.

### Section 10. Fire Alarm Systems

10.1 All schools having two or more classrooms shall be equipped with a fire alarm system. Alarm stations shall be provided on each floor and so located that the alarm station is not more than seventy-five feet from any classroom door. Horns or bells that provide a distinctive sound different from other bell systems shall be provided that will give audible warning to all occupants of the building in case of a fire or other emergency. A test device shall be provided for the purpose of conducting fire drills and tests of the alarm system.

10.2 Underwriters' laboratory equipment and component parts shall be used in the installation of the fire alarm system. The electrical energy for the fire alarm system shall be on a separate circuit and shall be taken off the utility service to the school building ahead of the entrance disconnect.

10.3 Whenever the fire marshal determines it advisable, he may require that the fire alarm system be extended or designed to provide automatic fire detection devices in unsupervised areas, boiler rooms, storerooms or shop areas.

### Section 11. Electrical Wiring

11.1 The electrical wiring of any educational building shall have enough circuits to provide adequate service without the need of overfusing the circuits.

11.2 The electrical wiring and component parts shall be properly maintained and serviced so as to eliminate the overheating or shorting that could cause a fire.

11.3 In new construction, electrical wiring shall be in metal raceways.

11.4 All exit lights shall be connected ahead of the service disconnect. [Filed April 6, 1965]

### Section 12. Heating Equipment

12.1 Heating equipment shall be installed, where applicable, in rooms constructed in accordance with paragraphs 9.6 and 9.7.

12.2 Installation for any heating equipment shall be in accordance with the manufacturer's instruction and conditions of safe operation.

12.3 Acceptable evidence for complying with paragraph 12.2 shall be labeling or listed equipment by Underwriters' Laboratories, Incorporated, The American Gas Association Testing Laboratories, or approval of the state fire marshal.

12.4 Oil burning equipment shall be installed, maintained and operated in accordance with chapter VIII of the flammable liquid regulations of the state of Iowa.

12.5 All gas burning equipment shall be installed and maintained in accordance with division VIII of the liquefied petroleum gas regulations of the state of Iowa.

12.6 Floor-mounted flame heating equipment shall not be allowed to be installed in any classroom. [Filed April 6, 1965]

### Section 13. Gas Piping

13.1 Gas piping shall be in accordance with division VIII of the liquefied petroleum gas regulations of the state of Iowa.

13.2 All gas service lines into buildings shall be brought out of the ground before entering the building and shall be equipped with a shut-off valve outside the building.

13.3 Gas piping cannot run in inclosed space without proper venting. [Filed April 6, 1965]

**Section 14. Fire Extinguishers**

**14.1** Each school building shall be equipped with fire extinguishers of a type, size and number approved by the state fire marshal.

**14.2** NFPA Bulletin applicable. Vaporizing extinguishers containing halogenated hydrocarbon extinguishing agents shall not be approved. [Filed April 6, 1965]

**Section 15. Basements**

**15.1** In existing school buildings, basement classrooms may be used provided there is compliance with either paragraphs "a" and "d", or compliance with paragraphs "b", "c", "d", and "e".

a. Direct approve egress door from classrooms to the outside.

b. Classroom doors open into a corridor that leads directly outside.

c. Inside stairs from basement corridors, serving basement classrooms, shall not communicate with other stories above.

d. Doors from basement classroom corridors, to other areas of the basement, shall be at least one and three-fourths inch solid-core wood and equipped with door closers.

e. Buildings, unless of fire-resistive construction, using the basement area for classroom purposes, shall have sprinkler or automatic alarm systems in the entire basement area. [Amended April 6, 1965]

**15.2** In new construction, basement rooms shall not be used for classroom purposes in elementary and junior high school buildings. This provision shall not apply to that portion of a building built on a sloping site which faces the lower grade level.

**Section 16. Fire Hazard Safeguards in New and Existing Buildings**

**16.1** Ventilating ducts discharging into attics of combustible construction shall be blocked off, protected with fire dampers or extended in a standard manner through the roof.

**16.2** Cooking ranges and other cooking appliances in food service area kitchens shall be provided with ventilating hoods, grease filters, and shall be vented to the outside in an approved manner.

**16.3** Discarded furniture, furnishings or other combustible material shall not be stored or allowed to accumulate in attics or concealed spaces. Designated storage space shall be provided for equipment that may be used periodically throughout the school year and necessary to the school operation or curriculum schedule.

**16.4** Space under stairways in existing buildings shall not be used for storage unless the storage area is lined with material that will provide a one-hour, fire-resistant rating and provided with a tight-fitting door that has a comparable fire-resistant rating. Except when removing or storing stock, the door shall be kept closed and locked.

**16.5** Waste paper baling and storage shall be in a room without ignition hazards and separated from other parts of the building by fire-resistant construction. Storage of paint products and flammable liquids shall be in a fire-resistive room or approved metal cabinet. [Amended April 6, 1965]

**Section 17. Automatic Sprinklers**

**17.1** Where automatic sprinkler protection is provided, other requirements of these regulations may be modified to such extent as permitted by other provisions in this section.

**17.2** Automatic sprinkler systems shall be of standard, approved types so installed and maintained as to provide complete coverage for all portions of the premises protected, except insofar as partial protection is specified in other paragraphs of this section.

**17.3** Automatic sprinkler systems for schools shall be those designed to protect occupancy classifications that are considered light hazard occupancies.

**17.4** Automatic sprinkler systems shall be provided with water flow alarm devices to give warning of operation of the sprinkler due to fire, and such alarm devices shall be installed so as to give warning throughout the entire school building. The sprinkler alarm detection may be connected to the fire alarm system required by state law.

**17.5** Partial automatic sprinkler systems shall provide complete protection in the basement and other hazardous areas. Above the basement area, stairwells and corridors shall be sprinklered. Nonhazardous classrooms are not required to be sprinklered for partial systems.

**17.6 a.** All automatic sprinklers installed in school buildings shall be provided with adequate and reliable water supplies.

b. Public water supplies for sprinkler systems in schools shall have a minimum of four-inch service pipe providing a minimum of five hundred gallons of water per minute and shall have at least fifteen pounds pressure at the highest sprinkler head.

c. Where public water supply is not available and a pressure supply tank is used, the tank shall be a minimum of six thousand gallons capacity. The pressure tank shall operate at an air pressure adequate to discharge all of the water in the tank.

**17.7** All automatic sprinkler systems required by these regulations shall be maintained in a reliable operating condition at all times and such periodic inspections and tests as are necessary shall be made to assure proper maintenance.

**17.8** In existing buildings of ordinary or better construction, stairway inclosures will not be required if protected by a partial or standard sprinkler system. Basement cutoffs of vertical openings will be required. This modification of open stairways is permitted only in buildings that do not exceed a basement and two full stories.

### Section 18. Open Plan Buildings

**18.1** An "Open Plan Building" is defined as any building where there are no permanent solid partitions between rooms or between rooms and corridors that are used for exit facilities.

**18.2** Open plan buildings shall have inclosed stairways and any other vertical openings between floors protected in accordance with paragraph 7.1.

**18.3** Open plan buildings shall not exceed thirty thousand square feet in undivided area. Solid walls or smoke stop partitions shall be provided at intervals not to exceed three hundred feet. Such walls or partitions shall have doors of a type that are at least one and three-fourths inch solid core wood doors and the partitions shall be the equivalent of one-hour construction.

**18.4** Any cafeterias, gymnasiums or auditoriums shall be separated from the rest of the building by solid walls and no exits from other parts of the building shall require passing through such assembly areas.

**18.5** Open plan buildings that do not have a direct exit door from each classroom to the outside shall be protected by a complete automatic fire detection system.

**18.6** A sprinkler system may be installed in lieu of an automatic fire detection system in an open plan building.

**18.7** Distance of travel to the nearest exit in an open plan building shall not exceed one hundred feet from any point except that in a sprinklered building the distance may be increased to one hundred fifty feet.

#### DIVISION III NEW COLLEGE BUILDINGS

### Section 19. Exits

**19.1** Exits shall be provided of kinds, numbers, location and capacity appropriate to the individual building or structure, with due regard to the character of the occupancy, the number of persons exposed, the fire protection available, and the height and type of construction of the building or structure, to afford all occupants convenient facilities for escape.

**19.2** The population of all college buildings, for the purpose of determining the required exits and the required space for classroom use, shall be determined on the following basis.

*a.* The square feet of floor space for persons in college buildings shall be one person for each forty square feet of gross area.

*b.* In gymnasiums and auditoriums, the capacity for seating shall be on the basis of six square feet net per person.

**19.3** Exits shall be so arranged and maintained as to provide free and unobstructed egress from all parts of every building or structure at all times when the building or structure is occupied. No locks or fasteners to prevent free escape from the inside of any building shall be installed.

**19.4** Exits shall be clearly visible or routes to reach them shall be conspicuously indicated in such manner that every occupant of every educational building who is physically and mentally capable will readily know the direction of the escape from any point and each path of escape in its entirety shall be so arranged or marked that the way to a place of safety outside is unmistakable.

**19.5** In all college buildings where artificial illumination is needed, electric exit signs or directional indicators shall be installed and adequate lighting provided for all corridors and passageways.

**19.6** Fire escapes shall not be permitted on new construction.

**19.7** There shall be a minimum of two means of exit remote from each other from each floor of every college building. The traveled distance from a classroom door to an exit shall not exceed one hundred feet measured along the line of travel. In sprinklered buildings, the distance may be increased to one hundred fifty feet.

**19.8** Every room with a capacity of one hundred persons or over and having more than two thousand square feet of floor area shall have at least two doorways as remote from each other as practicable. Such doorways shall provide access to separate exits but may open onto a common corridor leading to separate exits in opposite directions.

### Section 20. Corridors

**20.1** Corridors used as means of access to exits, and corridors used for discharge from exits, shall provide a clearance of at least six feet in width. Room doors or locker doors swinging into corridors shall not, at any point in the swing, reduce the clear effective width of the corridor to less than six feet, nor shall drinking fountains or other equipment, fixed or movable, be so placed as to obstruct the required minimum six-foot width.

**20.2** In new construction, open clothing storage shall not be permitted in exit corridors.

**20.3** No combustible materials shall be stored in exit corridors.

**20.4** The walls of corridors, used for exit facilities, shall be solid partitions of noncombustible finish material.

**20.5** Where borrowed light panels of clear glass are used in exit corridors, the requirements of section 33 of these regulations shall apply.

**20.6** Any single corridor or combination of corridors having an unbroken length of three hundred feet or more shall be divided into sections by smoke barriers consisting of smoke stop doors. Doors may be of ordinary solid wood type not less than one and three-fourths inches thick with clear wired glass panels. Such doors shall be of self-closing, double-swing type and may be either single or double. They shall close the opening completely with

only such clearance as is reasonably necessary for proper operation. [Amended April 6, 1965]

**20.7** There shall be no dead end in any corridor or hall more than twenty feet beyond the exit.

### Section 21. Doors

**21.1** The entrance and exit doors of all college buildings and the doors of all classrooms shall open outward.

**21.2** Doors protecting stairways may have wire glass panes installed providing that the size of any single pane does not exceed nine hundred square inches.

**21.3** Doors protecting vertical openings or fire doors installed where protection of hazardous rooms or areas are required shall be equipped with door closers and shall not be blocked open.

**21.4 a.** Classroom doors shall be thirty-six inches wide.

**b.** College buildings designed without doors to classrooms shall meet the requirements of section 33 of these regulations.

**21.5** Boiler, furnace or fuel room doors, communicating to other building areas, shall be one and one-half hour rated doors and frames, normally closed and hung to swing into the boiler room.

**21.6** Doors to storage of combustibles off corridors shall be at least one and three-fourths inch solid core wood. [Amended April 6, 1965]

### Section 22. Stairway Inclosures and Floor Cutoffs

**22.1** In new college buildings, stairs shall be inclosed with protected noncombustible construction. Doors shall be one and three-fourths inch solid wood construction, or better, with wire glass allowable. [Amended April 6, 1965]

**22.2** In new construction, the inclosures or protection of vertical openings shall be of the same type of construction as the surrounding material used for walls and partitions.

**22.3** Stairways from boiler, furnace or fuel rooms, communicating to other building areas, shall be inclosed at top and bottom. The entire stair inclosure shall be noncombustible construction. The doors (other than to the boiler room) may be one and three-fourths inch solid wood with a maximum of nine hundred square inches of wired glass allowable.

### Section 23. Interior Finishes

**23.1** The interior finishes of all exit corridors and passageways shall have Class A ceiling finish with a flame spread rating of not more than twenty-five as determined by the "fire tunnel tests" conducted by the Underwriters' Laboratories, Incorporated and assigned to materials used for interior finish.

**23.2** Whenever the fire marshal determines the fire hazard is great enough, Class A materials for room finishes shall be used in sci-

ence laboratories, shop areas, and such other areas as the fire marshal shall designate, in addition to those areas designated by paragraph 23.1.

**23.3** In new construction, all interior finishes shall be Class C or better.

### Section 24. Construction

**24.1** Types of construction as defined in the Uniform Building Code, 1964 Edition of the International Conference of Building Officials:

- a. Fire-resistive.
  - b. Heavy timber.
  - c. Noncombustible.
  - d. Ordinary.
  - e. Wood frame.
- [Amended April 6, 1965]

**24.2** Noncombustible, ordinary or wood frame construction may be modified by using materials giving one-hour or greater fire protection.

**24.3** Types of construction permitted:

**a.** One-story buildings and one-story wings on multistory buildings may be any of the types designated in paragraph 24.1, or combinations thereof, but with ordinary or wood frame construction, protected materials shall be used.

**b.** Two-story buildings may be constructed of fire-resistive or protected noncombustible materials throughout, or the first story may be constructed of fire-resistive or protected noncombustible materials with the second story having either heavy timber or noncombustible materials.

**c.** Buildings of more than two stories shall be fire-resistive throughout.

**24.4** Construction of the floor located above a basement shall be of fire-resistive or protected noncombustible materials.

**24.5** Construction of the floor located above a crawl space or a pipe tunnel shall be of fire-resistive or noncombustible materials.

**24.6** Boiler rooms, furnace rooms or fuel rooms which have no stories located above may be constructed of fire-resistive, noncombustible, protected heavy timber or protected ordinary materials.

**24.7** Boiler rooms, furnace rooms or fuel rooms with building above shall be of fire-resistive construction.

### Section 25. Fire Alarm Systems

**25.1** In new construction, resident halls shall be equipped with fire alarm systems. In other educational buildings where watchman service is provided and the occupancy is not deemed hazardous, alarm systems are not required. If an alarm system is required, it shall comply with the provisions of section 10 of these regulations.

### Section 26. Electrical Wiring

**26.1** The electrical wiring of any educational building shall have enough circuits to pro-



vide adequate service without the need of over-fusing the circuits.

**26.2** The electrical wiring and component parts shall be properly maintained and serviced so as to eliminate the overheating or shorting that could cause a fire.

**26.3** In new construction, electrical wiring shall be in metal raceways.

**26.4** All exit lights shall be connected ahead of the service disconnect. [Filed April 6, 1965]

### Section 27. Heating Equipment

**27.1** Heating equipment shall be installed, where applicable, in rooms constructed in accordance with paragraphs 24.6 and 24.7.

**27.2** Installation for any heating equipment shall be in accordance with the manufacturer's instruction and conditions of safe operation.

**27.3** Acceptable evidence for complying with paragraph 27.2 shall be labeling or listed equipment by Underwriters' Laboratories, Incorporated, The American Gas Association Testing Laboratories, or approval of the state fire marshal.

**27.4** Oil burning equipment shall be installed, maintained and operated in accordance with chapter VIII of the flammable liquid regulations of the state of Iowa.

**27.5** All gas burning equipment shall be installed and maintained in accordance with division VIII of the liquefied petroleum gas regulations of the state of Iowa.

**27.6** Floor-mounted flame heating equipment shall not be allowed to be installed in any classroom. [Filed April 6, 1965]

### Section 28. Gas Piping

**28.1** Gas piping shall be in accordance with division VIII of the liquefied petroleum gas regulations of the state of Iowa.

**28.2** All gas service lines into buildings shall be brought out of the ground before entering the building and shall be equipped with a shut-off valve outside the building.

**28.3** Gas piping cannot run in inclosed space without proper venting. [Filed April 6, 1965]

### Section 29. Fire Extinguishers

**29.1** Each college building shall be equipped with fire extinguishers of a type, size and number approved by the state fire marshal.

**29.2** NFPA Bulletin applicable. Vaporizing extinguishers containing halogenated hydrocarbon extinguishing agents shall not be approved. [Filed April 6, 1965]

### Section 30. Basements

**30.1** Basement classrooms may be used provided there is compliance with paragraph "a" or "b" and compliance with paragraphs "c" and "d".

"a." Direct approved egress door from classrooms to the outside.

"b." Classroom doors open into a corridor that leads directly outside.

"c." Inside stairs from basement corridors, serving basement classrooms, shall not communicate with other stories above unless of fire-resistive construction.

"d." Doors from basement classroom corridors, to other areas of the basement, shall be Class B and equipped with door closers except that solid frames and solid core wood doors, not less than one and three-fourths inches thick, shall be permitted. [Amended April 6, 1965]

### Section 31. Fire Hazard Safeguards in New Buildings

**31.1** Ventilating ducts discharging into attics of combustible construction shall be blocked off, protected with fire dampers or extended in a standard manner through the roof.

**31.2** Cooking ranges and other cooking appliances in food service area kitchens shall be provided with ventilating hoods, grease filters, and shall be vented to the outside in an approved manner.

**31.3** Discarded furniture, furnishings or other combustible material shall not be stored or allowed to accumulate in attics or concealed spaces. Designated storage space shall be provided for equipment that may be used periodically throughout the school year and necessary to the college operation or curriculum schedule.

**31.4** Storage facilities for materials and supplies shall be in storage rooms designed for this purpose.

**31.5** Waste paper baling and storage shall be in a room without ignition hazards and separated from other parts of the building by fire-resistant construction.

**31.6** Storage of paint products and flammable liquids shall be in a fire-resistive room or approved metal cabinet.

[Filed April 6, 1965]

### Section 32. Automatic Sprinklers

**32.1** Automatic sprinkler systems shall be of standard, approved types so installed and maintained as to provide complete coverage for all portions of the premises protected, except insofar as partial protection is specified in other paragraphs of this section.

**32.2** Automatic sprinkler systems for college buildings shall be those designed to protect occupancy classifications that are considered light hazard occupancies.

**32.3** Automatic sprinkler systems shall be provided with water flow alarm devices to give warning of operation of the sprinkler due to fire, and such alarm devices shall be installed so as to give warning throughout the entire building. The sprinkler alarm detection may be connected to the fire alarm system required by state law.

**32.4 a.** All automatic sprinklers installed in college buildings shall be provided with adequate and reliable water supplies.

**b.** Public water supplies for sprinkler systems in college buildings shall have a minimum of four-inch service pipe providing a minimum of five hundred gallons of water per minute and shall have at least fifteen pounds pressure at the highest sprinkler head.

**c.** Where public water supply is not available and a pressure supply tank is used, the tank shall be a minimum of six thousand gallons capacity. The pressure tank shall operate at an air pressure adequate to discharge all of the water in the tank.

**32.5** All automatic sprinkler systems required by these regulations shall be maintained in a reliable operating condition at all times and such periodic inspections and tests as are necessary shall be made to assure proper maintenance.

### Section 33. Open Plan Buildings

**33.1** An "Open Plan Building" is defined as any building where there are no permanent solid partitions between rooms or between rooms and corridors that are used for exit facilities.

**33.2** Open plan building shall have inclosed stairways and any other vertical openings between floors protected in accordance with paragraph 22.1.

**33.3** Open plan buildings shall not exceed thirty thousand square feet in undivided area. Solid walls or smoke stop partitions shall be provided at intervals not to exceed three hundred feet. Such walls or partitions shall have doors of a type that are at least one and three-fourths inch solid core wood doors and the partitions shall be the equivalent of one-hour construction.

**33.4** Any cafeterias, gymnasiums or auditoriums shall be separated from the rest of the building by solid walls and no exits from other parts of the building shall require passing through such assembly areas.

**33.5** Open plan buildings that do not have a direct exit door from each classroom to the outside shall be protected by a complete automatic fire detection system.

**33.6** A sprinkler system may be installed in lieu of an automatic fire detection system in an open plan building.

**33.7** Distance of travel to the nearest exit in an open plan building shall not exceed one hundred feet from any point except that in a sprinklered building, the distance may be increased to one hundred fifty feet.

#### DIVISION IV EXISTING COLLEGE BUILDINGS

### Section 34. Exits

**34.1** Exits shall be provided of kinds, numbers, location and capacity appropriate to the individual building or structure, with due regard to the character of the occupancy, the number of persons exposed, the fire protection

available, and the height and type of construction of the building or structure, to afford all occupants convenient facilities for escape.

**34.2** The population of all college buildings, for the purpose of determining the required exits and the required space for classroom use, shall be determined on the following basis.

**a.** The square feet of floor space for persons in college buildings shall be one person for each forty square feet of gross area.

**b.** In gymnasiums and auditoriums, the capacity for seating shall be on the basis of six square feet net per person.

**34.3** Exits shall be so arranged and maintained as to provide free and unobstructed egress from all parts of every building or structure at all times when the building or structure is occupied. No locks or fasteners to prevent free escape from the inside of any building shall be installed.

**34.4** Exits shall be clearly visible or routes to reach them shall be conspicuously indicated in such manner that every occupant of every educational building who is physically and mentally capable will readily know the direction of the escape from any point and each path of escape in its entirety shall be so arranged or marked that the way to a place of safety outside is unmistakable.

**34.5** In all college buildings where artificial illumination is needed, electric exit signs or directional indicators shall be installed and adequate lighting provided for all corridors and passageways.

**34.6** Where additional outside stairs or fire escapes are required by law, they shall be Class B, double width forty-four inches, and shall extend to the ground. Platforms for outside stairs or fire escapes shall have a minimum dimension of forty-four inches. Outside stairs and fire escapes shall be constructed in accordance with the state law and regulations.

**34.7** There shall be a minimum of two means of exit remote from each other from each floor of every college building. The traveled distance from a classroom door to an exit shall not exceed one hundred feet measured along the line of travel. In sprinklered buildings, the distance may be increased to one hundred fifty feet.

**34.8** Every room with a capacity of one hundred persons or over and having more than two thousand square feet of floor area shall have at least two doorways as remote from each other as practicable. Such doorways shall provide access to separate exits but may open onto a common corridor leading to separate exits in opposite directions.

**34.9** In existing buildings where exits do not comply with the requirements of section 34 and in which hazardous conditions exist because of the number, width, construction or location of exits, the fire marshal may order additional exits to assure adequate safety of the occupants but under no condition may

outside fire escapes exceed fifty percent of the required stairs.

### Section 35. Corridors

**35.1** Corridors used as means of access to exits, and corridors used for discharge from exits, shall provide a clearance of at least six feet in width, except in the case of buildings constructed prior to May 6, 1965. Room doors or locker doors swinging into corridors shall not, at any point in the swing, reduce the clear effective width of the corridor to less than six feet, nor shall drinking fountains or other equipment, fixed or movable, be so placed as to obstruct the required minimum six-foot width. [Amended April 6, 1965]

**35.2 a.** In existing buildings, where clothes are hung exposed in exit corridors, they shall be separated by partitions of sheet metal or equivalent material. Partitions shall be placed at six foot intervals, be a minimum of eighteen inches in depth, extend at least one foot above the coat hooks and within eight inches of the floor.

**b.** Where open clothing is hung in exit corridors as described above, an automatic fire detection system shall be installed in the corridor. Sprinkler systems may be installed in lieu of the automatic detection system.

**35.3** Except as permitted in paragraph 35.2, no combustible materials shall be stored in exit corridors.

**35.4** The walls of corridors, used for exit facilities, shall be solid partitions of noncombustible finish material.

**35.5** Where borrowed light panels of clear glass are used in exit corridors, the requirements of section 49, of these regulations, shall apply, except that clear glass windows in doors and transoms may be permitted in existing buildings when nonhazardous activities are carried on in the classroom.

**35.6** Any single corridor or combination of corridors having an unbroken length of three hundred feet or more shall be divided into sections by smoke barriers consisting of smoke stop doors. Doors may be of ordinary solid wood type not less than one and three-fourths inches thick with clear wired glass panels. Such doors shall be of self-closing, double-swing type and may be either single or double. They shall close the opening completely with only such clearance as is reasonably necessary for proper operation. [Amended April 6, 1965]

**35.7** There shall be no dead end in any corridor or hall more than twenty feet beyond the exit.

### Section 36. Doors

**36.1** The entrance and exit doors of all college buildings and the doors of all classrooms shall open outward.

**36.2** Doors shall be provided for main exit facilities leading to a platform connecting with either outside stairs or fire escapes. Doors leading to outside stairways or fire escapes shall have a minimum width of forty inches,

except that on existing buildings where it is not practical to install a door of forty-inch width, a narrower door at least thirty inches in width may be installed.

**36.3** The main exit and entrance doors and doors leading to fire escapes shall be equipped with a latching device that cannot be locked against the exit.

**36.4** Doors protecting stairways and doors leading to fire escapes or outside stairs may have wire-glass panes installed providing that the size of any single pane does not exceed nine hundred square inches.

**36.5** Doors protecting vertical openings or fire doors installed where protection of hazardous rooms or areas is required shall be equipped with door closers and shall not be blocked open.

**36.6 a.** In existing buildings, doors of not less than thirty inches in width may be used.

**b.** Buildings designed without doors to classrooms shall meet the requirements of section 49 of these regulations. [Amended April 6, 1965]

**36.7** Boiler, furnace or fuel room doors, communicating to other building areas, shall be one and one-half-hour rated doors and frames, normally closed and hung to swing into the boiler room.

**36.8** Doors to storage of combustibles off corridors shall be at least one and three-fourths inch solid core wood. [Filed April 6, 1965]

### Section 37. Windows

**37.1** Windows below or within ten feet of an outside stairway or fire escape shall have panes of wire glass.

### Section 38. Stairway Inclosures and Floor Cutoffs

**38.1** In buildings of more than one story, stairs shall be inclosed with protected noncombustible construction except those in accordance with paragraph 38.2. Doors shall be one and three-fourths inch solid wood construction, or better, with wire glass allowable. [Amended April 6, 1965]

**38.2** In existing buildings of two stories with no basement where such buildings are fire-resistive construction throughout, or fire-resistive first story and noncombustible or heavy timber second story, the stairs need not be inclosed, provided, (1) all exitway finish is Class A [flame spread rating not exceeding twenty-five], (2) no open storage of wardrobe, books or furniture in exitways or spaces common to them and (3) providing these stairs from the second floor lead directly to an outside door or vestibule leading to the outside of the building.

**38.3** In existing buildings, the stairway inclosures or the protection of vertical openings shall be the equivalent of wood studding with gypsum lath and plaster on both sides. The doors shall be at least one and three-fourths inch solid core wood doors. Maximum

nine hundred square inch glass panels allowable.

**38.4** Stairways from boiler, furnace or fuel rooms, communicating to other building areas, shall be inclosed at top and bottom. The entire stair inclosure shall be noncombustible construction. The doors (other than to the boiler room) may be one and three-fourths inch solid wood with a maximum of nine hundred square inches of wired glass allowable.

**38.5** Except as provided elsewhere in this section, interior stairways used as exits shall be inclosed. The construction of the inclosure shall be in accordance with the provisions of paragraph 38.1.

**38.6** Cutoffs between floors for stairways not used as exit facilities shall use the same type of construction as provided in paragraph 38.1.

**38.7** Where existing buildings because of layout and/or construction make it impossible to comply with section 38, the fire marshal shall make an analysis of the building and may then order remedial construction or installation of fire detection or equipment which will correct hazardous conditions.

#### **Section 39. Interior Finishes**

**39.1** The interior finishes of all exit corridors and passageways shall have Class A ceiling finish with a flame spread rating of not more than twenty-five as determined by the "fire tunnel tests" conducted by the Underwriters' Laboratories, Incorporated and assigned to materials used for interior finish.

**39.2** Whenever the fire marshal determines the fire hazard is great enough, Class A materials for room finishes shall be used in science laboratories, shop areas, and such other areas as the fire marshal shall designate, in addition to those areas designated by paragraph 39.1.

#### **Section 40. Construction**

**40.1** All additions to existing buildings shall comply with section 24, paragraphs 24.1-24.7, inclusive, of these regulations.

#### **Section 41. Fire Alarm Systems**

**41.1** Upon inspection, the fire marshal may order the installation of an alarm or detection system in an existing building. If so ordered, the systems shall comply with section 10 of these regulations.

**41.2** Where, in the opinion of the enforcing authority, the safety of life would not be jeopardized; existing college buildings of fire-resistive construction, with Class A interior finish in corridors and places of assembly, may install automatic fire alarm systems in lieu of any structural changes. [Amended June 22, 1962]

#### **Section 42. Electrical Wiring**

**42.1** Electrical service in existing buildings and all remodeling or additions to the electric service shall comply with section 26 of these regulations.

#### **Section 43. Heating Equipment**

**43.1** Heating equipment shall be installed, where applicable, in rooms constructed in accordance with paragraphs 24.6 and 24.7 of these regulations.

**43.2** Installation for any heating equipment shall be in accordance with the manufacturer's instruction and conditions of safe operation.

**43.3** Acceptable evidence for complying with paragraph 43.2 shall be labeling or listed equipment by Underwriters' Laboratories, Incorporated, The American Gas Association Testing Laboratories, or approval of the state fire marshal.

**43.4** Oil burning equipment shall be installed, maintained and operated in accordance with chapter VIII of the flammable liquid regulations of the state of Iowa.

**43.5** All gas burning equipment shall be installed and maintained in accordance with division VIII of the liquefied petroleum gas regulations of the state of Iowa.

**43.6** Floor-mounted flame heating equipment shall not be allowed to be installed in any classroom. [Filed April 6, 1965]

#### **Section 44. Gas Piping**

**44.1** Gas piping shall be in accordance with division VIII of the liquefied petroleum gas regulations of the state of Iowa.

**44.2** All gas service lines into buildings shall be brought out of the ground before entering the building and shall be equipped with a shut-off valve outside the building.

**44.3** Gas piping cannot run in inclosed space without proper venting. [Filed April 6, 1965]

#### **Section 45. Fire Extinguishers**

**45.1** Each college building shall be equipped with fire extinguishers of a type, size and number approved by the state fire marshal.

**45.2** NFPA Bulletin applicable. Vaporizing extinguishers containing halogenated hydrocarbon extinguishing agents shall not be approved. [Filed April 6, 1965]

#### **Section 46. Basements**

**46.1** In existing college buildings, basement classrooms may be used provided there is compliance with paragraph "a" or "b" and compliance with paragraphs "c", "d" and "e".

a. Direct approved egress door from classrooms to the outside.

b. Classroom doors open into a corridor that leads directly outside.

c. Inside stairs from basement corridors, serving basement classrooms, shall not communicate with other stories above unless of fire-resistive construction.

d. Doors from basement classroom corridors, to other areas of the basement, shall be Class B and equipped with door closers except that solid frames and solid core wood doors, not

less than one and three-fourths inches thick, shall be permitted.

e. Buildings, unless of fire-resistive construction, using the basement area for classroom purposes, shall have sprinkler or automatic alarm systems in the entire basement area. [Amended April 6, 1965]

#### **Section 47. Fire Hazard Safeguards in Existing Buildings**

**47.1** Ventilating ducts discharging into attics of combustible construction shall be blocked off, protected with fire dampers or extended in a standard manner through the roof.

**47.2** Cooking ranges and other cooking appliances in food service area kitchens shall be provided with ventilating hoods, grease filters, and shall be vented to the outside in an approved manner.

**47.3** Discarded furniture, furnishings or other combustible material shall not be stored or allowed to accumulate in attics or concealed spaces. Designated storage space shall be provided for equipment that may be used periodically throughout the school year and necessary to the college operation or curriculum schedule.

**47.4** Space used for storage under stairways in existing buildings shall not be allowed unless the storage area is lined with material that will provide a one-hour, fire-resistant rating and provided with a tight-fitting door that has a comparable fire-resistant rating. Except when removing or storing stock, the door shall be kept closed and locked.

**47.5** Waste paper baling and storage shall be in a room without ignition hazards and separated from other parts of the building by fire-resistant construction.

**47.6** Storage of paint products and flammable liquids shall be in a fire-resistive room or approved metal cabinet. [Filed April 6, 1965]

#### **Section 48. Automatic Sprinklers**

**48.1** Paragraphs 48.2—48.9, inclusive, shall apply, if upon inspection by the fire marshal a building or area is deemed hazardous for life safety and a sprinkler system installation is ordered.

**48.2** Where automatic sprinkler protection is provided, other requirements of these regulations may be modified to such extent as permitted by other provisions in this section.

**48.3** Automatic sprinkler systems shall be of standard, approved types so installed and maintained as to provide complete coverage for all portions of the premises protected, except insofar as partial protection is specified in other paragraphs of this section.

**48.4** Automatic sprinkler systems for college buildings shall be those designed to protect occupancy classifications that are considered light hazard occupancies.

**48.5** Automatic sprinkler systems shall be provided with water flow alarm devices to give warning of operation of the sprinkler due to fire, and such alarm devices shall be installed so as to give warning throughout the entire building. The sprinkler alarm detection may be connected to the fire alarm system required by state law.

**48.6** Partial automatic sprinkler systems shall provide complete protection in basement and other hazardous areas. Above the basement area, stairwells and corridors shall be sprinklered. Nonhazardous classrooms are not required to be sprinklered for partial systems.

**48.7 a.** All automatic sprinklers installed in college buildings shall be provided with adequate and reliable water supplies.

**b.** Public water supplies for sprinkler systems in college buildings shall have a minimum of four-inch service pipe providing a minimum of five hundred gallons of water per minute and shall have at least fifteen pounds pressure at the highest sprinkler head.

**c.** Where public water supply is not available and a pressure supply tank is used, the tank shall be a minimum of six thousand gallons capacity. The pressure tank shall operate at an air pressure adequate to discharge all of the water in the tank.

**48.8** All automatic sprinkler systems required by these regulations shall be maintained in a reliable operating condition at all times and such periodic inspections and tests as are necessary shall be made to assure proper maintenance.

**48.9** In existing buildings of ordinary or better construction, stairway inclosures will not be required if protected by a partial or standard sprinkler system. Basement cut-offs of vertical openings will be required. This modification of open stairways is permitted only in buildings that do not exceed a basement and two full stories.

#### **Section 49. Open Plan Buildings**

**49.1** In existing college buildings, where the design of the building lends itself to the classification of an open plan building, the requirements for fire safety of 49.2—49.8, inclusive, shall apply.

**49.2** This will include regulations for all buildings where there are no permanent solid partitions between rooms or between rooms and corridors that are used for exit facilities.

**49.3** Open plan buildings shall have inclosed stairways and any other vertical openings between floors protected in accordance with paragraph 38.1.

**49.4** Open plan buildings shall not exceed thirty thousand square feet in undivided area. Solid walls or smoke stop partitions shall be provided at intervals not to exceed three hundred feet. Such walls or partitions shall have doors of a type that are at least one and three-fourths inch solid core wood doors and the partitions shall be the equivalent of one-hour construction.

**49.5** Any cafeterias, gymnasiums or auditoriums shall be separated from the rest of the building by solid walls and no exits from other parts of the building shall require passing through such assembly areas.

**49.6** Open plan buildings that do not have a direct exit door from each classroom to the outside shall be protected by a complete automatic fire detection system.

**49.7** A sprinkler system may be installed in lieu of an automatic fire detection system in an open plan building.

**49.8** Distance of travel to the nearest exit in an open plan building shall not exceed one hundred feet from any point except that in a sprinklered building, the distance may be increased to one hundred fifty feet.

**FIRE SAFETY RULES AND  
REGULATIONS FOR HOTELS,  
APARTMENT HOUSES, DORMITORIES,  
LODGING OR ROOMING HOUSES**

[Filed and indexed June 22, 1962]

Pursuant to the authority conferred upon my office by the provisions of chapter 100, section 100.1 (5) and section 100.35, Code 1962, the following rules and regulations for fire safety in hotels, apartment houses, dormitories, lodging or rooming houses are hereby formulated, adopted and promulgated after public hearing held on or about the fifteenth day of May, 1962.

**Section 1. General principles and requirements—applicable to all classes of buildings in these regulations**

**1.1** Each building or structure referred to in these regulations, whether new or old, designed for human occupancy, shall be provided with exits sufficient to permit the prompt escape of occupants in case of fire or other emergency. The design of exits and other safeguards shall be such that reliance for safety to life, in case of fire or other emergencies, will not depend solely on any single safeguard. Additional safeguards shall be provided for life safety in case any single safeguard is ineffective due to some human or mechanical failure.

**1.2** Exits shall be so arranged and maintained as to provide free and unobstructed egress from all parts of every building or structure at all times when the building or structure is occupied. No locks or fastenings to prevent free escape from the inside of any building shall be installed on exit doors. Exit doors shall open outward and indicated with the word "Exit."

**1.3** Exits shall be visible or the route to reach them shall be conspicuously indicated in such manner that every occupant of every building or structure will readily know the direction of escape from any point within the building.

**1.4** In buildings or structures where artificial illumination of exit signs is required, adequate and reliable illumination shall be provided for all of the exit signs.

**1.5** All vertical ways of exit and other vertical openings between floors of buildings shall be suitably inclosed or protected as necessary to afford reasonable safety to the occupants while using the exits and also to prevent the spread of fire, smoke or fumes through vertical openings from floor to floor before occupants have evacuated the building.

**1.6** *Window Exits.* Window exits opening onto outside fire escape platforms are permissible in Class B hotels, apartments, lodging and rooming houses provided the window is easily opened without the use of tools and is sufficient size to allow an adult to pass through.

**1.7** *Dead-End Corridors.* Dead-end corridors cannot exceed the first twenty feet of exit travel from any room door with means of exit in only one direction in a Class A or Class B hotel.

**1.8** *Gas Piping.* All gas piping and the installation of gas appliances shall be in accordance with the provisions of division VIII of the state regulations governing the use of liquefied petroleum gas.

**1.9** *Electrical Wiring and Appliances.* The electric wiring, lighting and installation of all electrical appliances shall be in accordance with the standards of the current edition of the National Electric Code.

**1.10** *Fire Protection Equipment and Devices.* Approved type fire extinguishers shall be provided on each floor, so located that they will be accessible to the occupants, and spaced so that no person will have to travel more than seventy-five feet from any point to reach the nearest extinguisher. Additional extinguishers may be installed in areas that constitute a special hazard. Type and number of portable fire extinguishers shall be determined by the state fire marshal.

**1.11** In all buildings or structures of such size, arrangement or use, where delayed detection of a fire could endanger the occupants, the fire marshal may require an automatic fire detection alarm system.

**1.12** In cases of practical difficulty or unnecessary hardship, the state fire marshal may grant exceptions to these regulations but only when it is clearly evident that reasonable safety is thereby secured. Existing buildings and structures shall not be occupied or used in violation of the provisions of these regulations.

**1.13** Nothing in these regulations shall be construed to prohibit better types of buildings construction, more exits, or otherwise safer conditions than the minimum requirements specified in these regulations.

**1.14** Compliance with these regulations shall not be construed as eliminating or reducing the necessity for other provisions for safety of persons under normal occupancy conditions nor shall any provisions be construed as requiring or permitting any condition that

may be hazardous under normal occupancy conditions of buildings or structures.

## Section 2. Definitions

**2.1** For the purpose of these regulations, the following definitions and classifications shall be used.

**2.2 Hotels—Class A.** Class A hotels shall include all buildings or group of buildings, under the same management, in which there are more than twenty-five sleeping accommodations for hire, primarily used by transients who are lodged with or without meals, whether designated as a hotel, inn, club, motel, or by any other name. So called apartment-hotels shall be classified as hotels.

**2.3 Hotels—Class B.** Class B hotels shall include all buildings or group of buildings, under the same management, in which there are twenty-five or less sleeping accommodations for hire, primarily used by transients who are lodged with or without meals, whether designated as a hotel, inn, club, motel or by any other name. So called apartment-hotels shall be classified as hotels. Class B hotels, more than two stories in height, shall be limited to sleeping accommodations for ten persons only in each story above the second story.

**2.4 Apartment Houses.** This includes buildings furnishing living quarters for three or more families living independently from each other with independent cooking facilities whether designed as an apartment house, tenement, garden apartment, or using any other name.

**2.5 Dormitories.** This shall include buildings where group sleeping accommodations are provided for persons not members of the same family group. There may be several occupying large rooms or there may be a series of closely associated rooms under joint occupancy and single management. These buildings may be called college dormitories, fraternity houses, sorority houses, nurses' homes, convents, or similar types of occupancy.

**2.6 Lodging or Rooming Houses.** This shall include buildings or groups of buildings, under the same management, in which separate sleeping rooms are rented providing sleeping accommodations for a total of more than four persons who are nonrelated. Accommodations may be for either transients or permanent guests, with or without meals, but without separate cooking facilities for individual occupants.

**2.7 Row Housing.** Contiguous individual family units two stories in height, separated by fire walls from roof level to basement floor with no access through the fire wall, shall not be classed as an apartment house but shall be classed as single family dwellings for the purpose of these regulations only.

## Section 3. Hotels

**3.1** Section 3 shall apply to hotels as defined in section 2, 2.2 and 2.3.

## 3.2 Exits.

**a.** No less than two exits, as remote from each other as practical, shall be accessible from every floor. Exits and ways of access thereto shall be so arranged that from every point in any opened area, or from any room door, exits will be accessible in at least two different directions except as provided in section 1, 1.7.

**b.** The exits, as specified in 3.2 "a", shall be such that it will not be necessary to travel more than one hundred feet from the door of any room to reach the nearest exit, except that where an automatic sprinkler system is provided, the distance may be increased to one hundred fifty feet.

**c. Types of Exits from Upper Floors.** Exits from upper floors shall be in accordance with the following types: (1) Inclosed stairways, (2) horizontal exits, (3) outside stairways, (4) fire escapes, Class B.

**d. Construction and Arrangements of Exits.** All stairs, ramps, or other ways of exit shall be of such width and so arranged as to avoid any obstruction to the rapid evacuation of the hotel in the event of fire. Fire escapes shall be constructed as specified in chapter 103, Code of Iowa.

**e.** Exits from public hallways or passageways in Class A hotels shall have illuminated signs with the word "EXIT" in letters six inches high and three-fourths of an inch wide. Where the exits are not visible from every point of the hallway or passageway, directional signs shall be provided to indicate the exit. Class B hotels shall have exits plainly marked and if artificial illuminated signs are necessary, they shall be the same as required for Class A hotels.

**f.** In Class B hotels, the second means of exit may be a Class C fire escape in accordance with chapter 103, 103.7, Code of Iowa, providing the hotel does not exceed four full stories in height.

**g.** There shall be conspicuously displayed, in each sleeping room of Class A hotels, a legible floor plan showing the arrangement of exits and the direction of travel to reach them from the guest room.

## 3.3 Protection of Vertical Openings.

**a.** All stairways, elevator shafts and other vertical openings shall be inclosed or protected with material equal to one-hour, fire-resistive construction. All required exit stairs, which are located so that it is necessary to pass through the lobby or other open space to reach the outside of the building, shall be continuously inclosed down to the lobby level.

**b.** Unprotected vertical openings may be permitted in fire-resistive buildings with Class A finish, or in sprinklered buildings, not to exceed two floors. This paragraph is to permit open stairways from the lobby to the mezzanine level or open stairs from the lobby to basement areas used for hotel purposes.

**c.** Wire glass, not to exceed nine hundred square inches in any single frame, may be used in stairway doors.

d. All doors to stairway inclosures shall be equal to the fire-resistive construction required in 3.3 "a", and shall be a self-closing type.

**3.4 Interior Finish.** The exit ways, lobbies, public assembly meeting rooms and corridors shall have Class A interior finish. Class A finish shall mean the use of materials having a flame spread of less than twenty-five as rated by the National Board of Underwriters Laboratories.

**3.5 Basements.** Basements used only for storage, heating equipment or other purposes than hotel occupancy, open to guests or to the public, shall have no unprotected openings to floors used for hotel purposes.

**3.6 Special Hazard Areas.** All rooms or areas of hazardous occupancy such as those containing boilers, furnaces, refrigerating machinery, transformers, or storage areas, shall be separated or cut off from other parts of the building by fire walls or fire doors.

### **3.7 Fire Alarm Systems and Evacuation.**

a. Each hotel, both Class A and Class B, shall have an alarm device of such character and so located as to arouse all the occupants of the building in case they are endangered by fire. In Class A hotels, an alarm sending station shall be provided at the hotel desk or other convenient control point under the continuous supervision of responsible employees. Additional alarm sending stations or automatic fire detection devices may be required when, in the opinion of the state fire marshal, it is necessary to install such devices because of the size or number of occupants in the hotel.

b. The hotel management shall formulate a plan and instruct the employees on the proper procedure to immediately notify the public fire department in case of fire.

c. Hotels having fifteen or less guests, with each room having a telephone operated from a central switchboard, can waive the requirements of 3.7 "a."

**3.8 Fire Extinguishers.** Each hotel, both Class A and Class B, shall have fire extinguishers of a size and type and so located as to be effective in extinguishing a small fire. There shall be one Class 2A fire extinguisher located in each corridor on each floor that is accessible to all occupants of the floor. In the case of large buildings, the number of fire extinguishers shall be determined by having one Class 2A extinguisher for each twenty-five hundred square feet or less of floor area. In hotel kitchens, boiler rooms, paint storage rooms, electric vault rooms, or other areas where there are special hazards to protect, there shall be a minimum of one Class 8B-C fire extinguisher. In the case of hotels having inside standpipe equipped with hose that will reach all areas of the floor, the requirement for Class 2A extinguishers may be waived.

## **Section 4. Apartment houses**

**4.1** Any apartment building which complies with all of the requirements of section 3, of

these regulations, may be considered as a hotel and the following paragraphs waived.

**4.2** Each living unit shall have access to at least two separate exits which are remote from each other and are reached by travel in different directions, except that a common path of travel may be permitted for the first twenty feet; that is, a dead end corridor serving apartments may be permitted not to exceed twenty feet in length.

**4.3 Protection of Vertical Openings.** The protection of vertical openings in apartment buildings shall meet the same requirements as set forth in 3.3 of these regulations.

**4.4 Interior Finish.** Interior finish in apartment buildings shall meet the requirements as set forth in 3.4 of these regulations.

**4.5 Exit Lighting and Signs.** All apartment buildings two or more stories high, and having more than ten apartment units, shall have corridor and exit signs. The illumination of corridor and exit signs shall be such that people of normal vision can move freely and the exit signs shall be legible at all times from any common corridor area.

**4.6 Hazardous Occupancies.** Hazardous occupancies in apartment buildings such as boiler rooms, utility rooms and general storage areas shall be protected by walls and fire doors constructed of materials providing at least a minimum of one-hour fire rating.

## **Section 5. Dormitories**

**5.1** Any dormitory meeting all of the requirements in section 3, of these regulations, will be acceptable and the following provisions may be waived.

### **5.2 Exits.**

a. All dormitories shall have exits so arranged that from any sleeping room or open dormitory sleeping area there will be access to two separate and distinct exits in different directions with no common path of travel unless the room or space is subject to occupancy of not more than ten persons and has a door opening directly to the outside of the building at street or grade level.

b. Exits shall be so arranged that it will not be necessary to travel more than one hundred feet from any point to reach the nearest outside door, stair or fire exit.

c. Exits from upper floors shall be sufficient to provide at least one unit of exit width for every thirty persons. All exit stairways and other vertical openings shall be inclosed or protected with material equal to one-hour, fire-resistive construction. Wire glass, not to exceed nine hundred square inches in any single frame, may be used in the protection of vertical openings.

d. Corridor and exit ways in dormitories shall have emergency lighting and illuminated exit signs with the word "EXIT" in letters six inches high and three-fourths of an inch wide. Where exit signs are not visible from every point of a hallway or passageway, directional signs shall be provided to indicate the exit.



5.3 Interior Finish. All interior finish of dormitories in the corridors, stairways and exit ways shall be Class A. Class A finish is also required in sleeping rooms providing accommodations for more than two persons.

5.4 Fire Alarm Systems. A manual fire alarm system shall be required for every dormitory and in the case of college, university and school buildings, fire drills shall be regularly conducted and all residents informed as to the meaning of the fire alarm signals and the proper procedure to follow in case the fire alarm is sounded.

5.5 Fire Extinguishers. Extinguishers shall be required in dormitories in accordance with 3.8 of these regulations.

5.6 Construction and Arrangement. Dormitories shall be so arranged as to provide one hundred twenty-five square feet for residents as it relates to the gross area of the building. All new construction shall be in accordance with the applicable provisions of the following paragraphs.

a. Fire-resistive Construction. There is no limit to the area and height of the building.

1. Columns and piers shall have a fire-resistance rating of not less than three hours.

2. Floors shall have a fire-resistance rating of two hours.

3. Roofs shall have a fire-resistance rating of not less than one and one-half hours.

4. Beams, girders and trusses shall have a fire-resistance rating of two hours.

5. Walls bearing exterior and interior portions shall have a fire-resistance rating of three hours.

6. Partitions shall have a fire-resistance rating of two hours.

b. Noncombustible Construction. Noncombustible construction is limited to two stories except when protected with an approved sprinkler system.

1. General—all structural including walls, partitions, columns, piers, beams, girders, joists, trusses, floors and roofs shall be of approved noncombustible rating not less than one-hour fire-resistive.

2. Exterior walls shall have fire-resistive rating of two hours.

c. One-story buildings shall be constructed of not less than one-hour, fire-resistant construction throughout except that boiler rooms, heating rooms and combustible storage rooms shall be two-hour, fire-resistant construction. Protected wood frame construction, when roof and floor construction and their supports have one-hour, fire-resistance and stairways and other openings through floors are inclosed with partitions having one-hour, fire-resistance, shall be acceptable as one-story buildings for dormitories.

d. Other types of construction for dormitories not permitted.

e. The ratings noted in the above paragraphs

are those specified in the National Fire Protection Association Codes.

Section 6. Lodging or rooming houses

6.1 Exits. There shall be two means of exit from each floor remote from each other. These exits shall be accessible to all residents on each floor in case of an emergency. One means of exit for lodging or rooming houses may be a fire escape. Class C, as described in chapter 103, 103.7, Code of Iowa, providing however, there are not more than ten adults on any floor and the building does not exceed four stories in height.

6.2 Any sleeping room below the street floor shall have a direct access to the outside of the building.

6.3 The general requirements for fire safety as set out in section 1, of these regulations, shall be applicable in lodging and rooming houses when, in the opinion of the state fire marshal, such specific safeguards are needed to insure the safety to life in the event of fire and whether specifically mentioned or not, lodging and rooming houses shall meet the intent of section 1 of these regulations.

6.4 No frame dwelling, more than three stories in height, shall be occupied or remodeled for use as a lodging or rooming house.

MOTOR VEHICLE REGISTRATION DIVISION

1. The transfer of ownership of a registered vehicle which has been repossessed may be effected without obtaining the registered owner's signature on the notice or application for transfer appearing on the reverse side of the certificate of registration, provided that the mortgage or conditional sales contract under which such repossession was had, has been filed in the county recorder's office of the county in which such notice or application for transfer is made, and provided further that a repossession affidavit together with the original mortgage or conditional sales contract, or a certified or photostatic copy thereof, is filed with the county treasurer of said county. Such repossession affidavit shall be in substantially the following form:

"AFFIDAVIT OF REPOSSESSION

State of Iowa, ..... County, ss. I, ....., Being an Officer of the Firm of ....., located at ....., Iowa, on oath depose and say that the motor vehicle described as follows: Make ..... Model ..... Year ..... Style ..... Motor No. .... Factory No. .... Registration No. .... for 19....., which was sold ..... of ....., Iowa, as per our

Conditional Sales Con. Chattel Mortgage and recorded in County of ..... in File No. .... Receipt No. .... has been repossessed by said..... for failure of the purchaser to comply with the conditions as set forth in said contract (copy at-

tached), specifically giving the holder thereof the right to repossession under conditions of such contract.

Signed.....  
For.....

Subscribed and sworn to before me by said...  
....., this ..... day of ....., 19....  
Notary Public....."

(Seal)

Vehicles which have been repossessed by a finance company must first be transferred to such company before any transfer of ownership may be made to an individual purchaser or dealer. The ownership of a vehicle which has not been registered for the current year and which has not been stored in accordance with the provisions of law, cannot be transferred under the procedure set forth herein until such time as it has been currently and properly registered in the name of its registered owner.

2. The ownership of a vehicle which has been properly stored in accordance with the provisions of chapter 321, Code 1946, may be transferred to a purchaser without being registered for the year in which such transfer is made.

3. The ownership of a registered vehicle may be transferred on the previous year's registration certificate by its individual owner to a licensed dealer during the month of January.

4. The ownership of a registered truck, truck tractor, road tractor, trailer or semitrailer may not be transferred after June 30 in any year unless the annual registration fee for such vehicle has been paid in full for that year.

5. A new and unregistered vehicle purchased from a dealer in another state who is authorized by such state to sell such vehicle unregistered, may be registered in Iowa if the applicant for registration presents to the county treasurer or to the department a certified copy of the dealer's printed invoice together with an affidavit showing such dealer to be authorized to sell such vehicle as a new unregistered vehicle in his home state.

6. When an Iowa registration certificate or card shows the owner of the registered vehicle to have an out-of-state address, the county treasurer before transferring the ownership of such vehicle to a purchaser shall require the surrender of the Iowa registration certificate or card and in addition thereto shall require the purchaser to file an original or certified copy of a bill of sale showing ownership of such vehicle to be in him.

7. The owner of a house trailer which is not currently registered may register such vehicle at any time during the calendar year on a pro rata registration fee upon filing with the county treasurer an affidavit, duly sworn to and acknowledged, in which the owner states that such vehicle has been actually used for dwelling purposes for more than six months during the preceding calendar year and that such vehicle has not been moved upon the highways of this state at any time during the

current calendar year. In the absence of a showing in said affidavit that the sales tax or use tax on such vehicle has been paid, the county treasurer shall require payment of the Iowa use tax before registering such vehicle.

8. All vehicle registration plates or number plates issued by a county treasurer shall be issued by him in numerical sequence.

9. Where the ownership of a vehicle is transferred by a peace officer's bill of sale or by an order of court, and such vehicle is not currently registered in Iowa, the registration fee for such vehicle shall be computed in accordance with the following rules:

a. When ordered confiscated or forfeited by a court under a judgment of forfeiture, the fee shall be on a pro rata basis from the date of the court's order;

b. When sold on a peace officer's bill of sale as an unclaimed stolen, embezzled or abandoned vehicle, or as a vehicle seized under the provisions of section 321.84, Code 1946, the fee shall be on a pro rata basis from the date of such sale;

c. When sold or transferred under a judgment or order entered by a court in a civil action or proceeding, the fee shall be the full annual registration fee plus all delinquencies and accrued penalties to the date on which registration of the vehicle is completed.

10. Application for the designation of a vehicle as "special mobile equipment" may be made by the owner or lessee of such vehicle, provided such vehicle is only incidentally operated or moved over the highways of this state exclusively by such owner or lessee or his employees, and provided further that such "special mobile equipment" is permanently mounted on such vehicle. Such application may only be made to the motor vehicle registration division of this department, and if approved by the director of said division, special identifying plates bearing a number and the words "Special Mobile Equipment" will be issued without fee for such vehicle together with a certificate of designation and identification. Such special plates shall not be transferable from person to person nor from vehicle to vehicle and shall be securely attached to such vehicle at all times when it is being moved over the highways. Such certificate of designation and identification shall be in the immediate possession of the operator of such vehicle whenever it is being operated or moved over the highways.

The owner or lessee of any vehicle moving "special mobile equipment" which is not permanently mounted on such vehicle must apply for and receive a regular registration certificate and registration plates for such vehicle and pay the appropriate fee therefor. The appropriate registration fee for such vehicle shall be computed on the gross weight of the vehicle less the weight of the "special mobile equipment".

11. A certificate of designation issued for an authorized emergency vehicle shall expire at midnight on the thirty-first day of December

in the year in which it was issued unless sooner revoked by the commissioner upon a showing of abuse thereof.

12. The notice to the county treasurer of the transfer of ownership of any registered vehicle shall be on the reverse side of the certificate of registration for such vehicle, and shall be in substantially the following form:

"BILL OF SALE... (Year) APPLICATION FOR TRANSFER STATE OF IOWA, .....COUNTY, ss: We being first duly sworn on our oaths state that ..... whose address is .....Street, City of..... and County of....., Iowa, purchased the vehicle described on the reverse side hereof from ..... on the .....day of....., 19..... Application is hereby made for transfer of said vehicle to the purchaser.

.....Purchaser  
.....Seller

I certify that the foregoing affidavit was fully completed, subscribed and sworn to before me on the .....day of....., 19....., and I FURTHER CERTIFY THAT THE AFFIANTS SIGNED THE SAME IN THE PRESENCE OF EACH OTHER.

.....  
Notary Public in and for said  
County and State.

Receipt No. ...."

Appearing vertically on the right-hand side of said form are the words, "A penalty of five dollars accrues for failure to complete transfer within five days from date of sale."

Appearing vertically on the left-hand side of said form are the words, "Forward with remittance of fifty cents to county treasurer."

13. The ownership of a registered vehicle may be transferred by a person holding a valid power of attorney from the owner of such vehicle. Before registering such vehicle in the name of the purchaser or transferee, the county treasurer shall require the person signing such transfer of ownership on behalf of the seller or transferor to file in his office a duly acknowledged power of attorney which may be in form and substance as follows:

"POWER OF ATTORNEY  
TO TRANSFER INTEREST IN AND TO A  
REGISTERED VEHICLE

State of Iowa, County of ....., ss:  
Know all men by these presents, that I/we, the undersigned, of ....., the

(Address)  
owner(s) of a vehicle described as .....

(Description of vehicle)  
....., bearing motor/serial number  
....., have made, constituted and appointed ..... of

(Name)  
....., my/our true and lawful attorney for me/us, in my/our name(s), place, and stead, to transfer all my/our title and interest in said vehicle as an owner to ..... of .....

(Name of purchaser) (Address of purchaser)

Witness my/our hand(s) this.....day of  
....., 19.....

.....  
(Signature)

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

.....  
Notary Public in and for said County and State"

14. A permit, granting to a nonresident applicant authority to enter or pass through this state with a chartered bus party without the necessity of first obtaining an Iowa vehicle registration, may only be issued by the motor vehicle registration division of this department, and shall be in such form as may be prescribed and adopted by the director of said division.

15. The owner of a house trailer which is not currently registered and which is actually being used solely for dwelling purposes, may, upon application to the motor vehicle registration division of this department, obtain a permit granting him authority to move such house trailer over the highways of this state from one location to another without first registering such vehicle. The application and permit shall be in such form and substance as the director of that division may prescribe.

16. The registration card or certificate issued for a trailer shall at all times be carried in the driver's compartment of the towing vehicle.

17. **Current Registration Receipt**—For the purpose of obtaining a Certificate of Title upon presentation of a current registration receipt as provided in section 321.40, Code 1950, as amended by chapter 127, Acts of the 55th General Assembly, the term, "current registration receipt" shall be deemed to include any immediately previous year's registration receipt presented during the month of January.

Adopted and issued December 18, 1953.  
[Filed December 21, 1953]

**PEACE OFFICER'S RETIREMENT,  
ACCIDENT AND DISABILITY SYSTEM**

1. **Vice-Chairman of Board.** The treasurer of state shall be the vice-chairman of the board of trustees, and in the absence or inability of the chairman to act shall exercise the powers and perform the duties of the chairman.

2. **Place of Meeting.** The board of trustees shall meet at the office of the treasurer of state upon a call issued by the chairman or upon the joint call of any two members of the board at such other times as may be deemed necessary or expedient.

3. **Creditable Service—Computation and Allowance of.** In computing the total amount of creditable service for each member, twelve months of creditable service shall constitute one year of creditable service, except that creditable service for not less than eleven months in any one calendar year shall constitute one full year of creditable service.

Absence of a member from duty without loss of pay shall be allowed as creditable service.

Absence of a member from duty without pay for a period of more than one calendar month, or thirty days, shall not be allowed as creditable service.

**4. Pension Allowance Vouchers to Women Beneficiaries.** Pension allowance vouchers issued to women beneficiaries shall be issued in the beneficiary's given first name, except that if such beneficiary is the widow of the former member of this system, such voucher shall name the payee as "Mrs." followed by the given first name of her former husband with the beneficiary's given first name in parenthesis and the former husband's surname in that order.

**5. Fiscal Year of System.** The calendar year is adopted as the fiscal year of the retirement system.

**6. Member's Contributions—Amount of Salary Deductions Certified by Secretary.** Deductions from salary for a member's contributions shall be made on each payroll from the total amount of payment to the member, and upon the entry into service of a member, the secretary of the board shall certify to the auditor of the state department of public safety the percentage of salary to be so deducted. Such deductions for any part of a calendar month shall be based on a thirty-day month and be determined accordingly.

**7. Statement Required on Refunds of Accumulated Contributions.** Upon the application of any member for a return of his accumulated contributions by reason of his separation from the service by discharge or resignation, such member shall be required to sign a statement in the following form before such payment is made to him:

"I am aware that if I do not withdraw my contribution I have four years in which I may return to service and be restored to my former status as a member of the retirement system. I understand that if I withdraw my accumulated contributions my membership in the system is finally terminated thereby, and that if I thereafter return to service, I must enter the Retirement System with the status of a new entrant."

**SAFETY RESPONSIBILITY AND DRIVERS LICENSE DIVISION**

[Rules filed January 10, 1952, are rescinded October 23, 1959]

**POINT SYSTEM RULES AND REGULATIONS**

[Filed June 6, 1961; Amended May 17, 1962; June 6, 1962; Rescinded January 28, 1963]

**DRIVERS' LICENSES**

[Filed January 6, 1960]

Pursuant to the authority granted in section 321.4, Code of Iowa, the following rules and regulations are promulgated as an interpretation of section 321.189, Code of Iowa:

The usual signature of the licensee shall contain the surname as the last name appearing in the signature.

The full name appearing at the top of the license shall contain the Christian name in the first position and the surname in the last position.

All persons possessing a valid license who have a legal change in name shall immediately apply to the department for a license to be issued in his or her new name.

No license shall be valid unless it bears the signature of the licensee in conformance to these rules and regulations.

**MOTOR VEHICLE TESTING STATIONS**

Pursuant to authority granted to the commissioner of public safety of the state of Iowa by section 321.4, Code of Iowa 1962, the following rules and regulations pertaining to motor vehicle testing stations are hereby adopted:

[Filed and indexed September 20, 1962]

The department of public safety has certain obligations under the motor vehicle law as the same pertain to motor vehicle testing stations as follows:

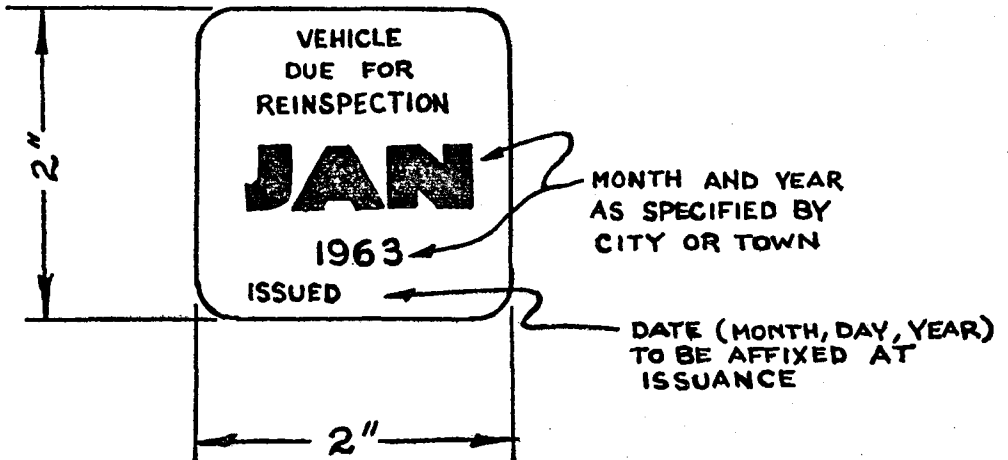
1. Prescribing the shape, size, color and inscription of a sticker used for vehicles passing the tests provided.

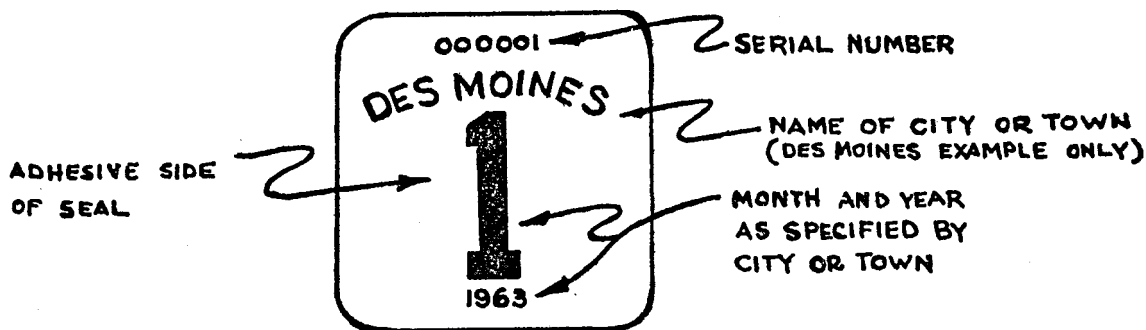
**ARTICLE I**

**Inspection Sticker**

Section 1. The inspection sticker affixed upon the windshield of any motor vehicle so passing the tests as prescribed shall substantially comply with the following requirements:

A. Shape, size and inscription:





### B. Color.

a. The inspection stickers shall be of a distinctively different color each period of inspection.

b. There shall at all times be a marked contrast between the sticker and the inscription, letters or numerals thereon.

c. Any and all of the following colors may be used: Red, yellow, green, blue, black, white. [Filed and indexed November 14, 1962]

The department of public safety has certain obligations under the motor vehicle laws as the same pertain to motor vehicle testing stations, to wit:

Supervision and control of the type of tests and facilities for conducting these tests in any motor vehicle testing station (Section 321.245, Code of Iowa 1962).

#### 1. Supervision of Tests and Facilities

1.1 Inspection by commissioner. The commissioner of public safety may inspect any and all motor vehicle testing stations at his discretion to determine whether the type of tests are being administered in conformity therewith and to determine whether facilities for conducting these tests are adequate and to insure a high level and a uniform standard of tests from all stations.

#### 2. Facilities

2.1 Motor vehicle testing stations must be equipped to test both domestic and foreign passenger vehicles.

2.2 Motor vehicle testing stations must be equipped to test commercial vehicles, both domestic and foreign.

2.3 Facilities should be maintained as a clean and orderly place of business.

2.4 Adequate space must be provided for inspection purposes. Inspection equipment should be spaced to gain the most effective use and to expedite inspection.

2.5 All inspection equipment must be installed and used in accordance with the manufacturer's recommendations, must be inspected frequently and maintained to insure proper functioning.

#### 3. Required Equipment

3.1 Definition. Required equipment is equipment which vehicles, motor vehicles or classes of vehicles, motor vehicles are required to have by applicable law and regulation.

3.2 Inspection procedure. Items to be checked:

3.2 (1) Legal registration (certificate and plates.)

3.2 (2) Vehicle glazing.

3.2 (3) Body items.

3.2 (4) Brakes.

3.2 (5) Tires.

3.2 (6) Lighting systems.

3.2 (7) Miscellaneous equipment.

3.2 (8) Exhaust system.

3.2 (9) Emergency warning devices.

3.3 Causes for rejection. Noncompliance with equipment requirements of applicable laws and regulations shall be cause for rejection.

#### 4. Legal Registration

##### 4.1 Definitions

4.1 (1) Legal registration. Registration receipt either original or renewal and registration plate or plates.

##### 4.2 Inspection procedure

4.2 (1) Visual.

##### 4.3 Causes for rejection

4.3 (1) Registration plate or plates not securely fastened in a horizontal position to the vehicle for which the same is or are issued so as to prevent the plate or plates from swinging.

4.3 (2) Registration plate numbers not in agreement with registration receipt.

4.3 (3) Registration plates not clearly visible and legible.

4.3 (4) Registration certificate not plainly visible.

#### 5. Vehicle Glazing

##### 5.1 Definitions

5.1 (1) Safety glass. Any product composed of glass, so manufactured, fabricated, or treated as substantially to prevent shattering and flying of the glass when struck or broken or such other or similar product as may be approved by the commissioner (Section 321.445, Code of Iowa 1962).

5.1 (2) Cloudiness. Any degree of discoloration or separation discernable to the eye. Windshields approved with a tinted band across the top must not be confused with the cloudiness restrictions.

5.1 (3) Approved safety glass. The list of approved safety glass compiled by the commissioner of public safety. Such list must be

conspicuously displayed in the motor vehicle testing facility.

### 5.2 Inspection procedure

5.2 (1) Check all windows for safety glass where required.

5.2 (2) Check windshield and all windows for cracks and sharp edges.

5.2 (3) Check windshield and all windows for unauthorized materials or conditions which obscure driver's view.

5.2 (4) Check rear window for visibility.  
[Amended September 16, 1964]

### 5.3 Causes for rejection

5.3 (1) Failure to use safety glass in all windows.

5.3 (2) Nontransparent materials used to replace the vehicle glass or glazing materials.

5.3 (3) Breaks, cracks, discolorations, cloudiness, badly scratched windshields, or for breaks, cracks, discolorations or cloudiness to the immediate right, left or rear of the driver which interfere with his vision.

5.3 (4) Windows in poor condition. Vehicle windows which have sharp edges, are badly scratched, broken, or discolored or cloudy.

5.3 (5) Wiper blade scratches on windshield if severe enough to distort vision.

5.3 (6) Rear window visibility is unsatisfactory, unless adequate vision to the rear is provided by proper outside mirror.

[Amended September 6, 1964]

## 6. Body Items

### 6.1 Inspection procedure

6.1 (1) Check for defective or dislocated parts projecting from vehicle.

6.1 (2) Check floor pans on any vehicles manufactured before 1946.

6.1 (3) Check bumpers, fenders and frames for protruding or broken sharp edges.

[Amended September 16, 1964]

### 6.2 Causes for rejection

6.2 (1) Bumpers, fenders, exterior sheet metal and moldings having broken, sharp edges, or abnormal protrusions extending beyond normal vehicle extremities so to constitute either separately or collectively such an unsafe condition as to endanger any person.

6.2 (2) Floor pans rusted through, on any vehicles manufactured before 1946, so as to endanger any person by permitting passage of exhaust gases into the body of the vehicle.

[Amended September 16, 1964]

## 7. Brakes

### 7.1 Definitions

7.1 (1) Service brake. The primary brake for retarding, stopping, and controlling a vehicle.

7.1 (2) Parking brake. The brake independent in application from the service brake and is used for holding a vehicle while parked.

7.1 (3) Pedal reserve. The amount of the total pedal travel left in reserve when the pedal is depressed to the brake applied position.

### 7.2 Inspection procedure

7.2 (1) Simple tests and visual inspection procedures (for inspection programs which must accommodate a large volume of vehicles)

a. Pedal reserve. Test vehicle in a standing position. With the brake pedal depressed under moderate foot force, (40-60 lbs. in nonpowered systems and 15-20 lbs. in power assisted systems), there should be a minimum of approximately one-third of the total available (manufacturer's specification) pedal travel remaining. The engine should be running when checking brake systems having power assisted hydraulic systems.

*Cause for Rejection:* Less than approximately one-fifth of the total available pedal travel remaining when pedal is depressed under moderate foot force.

b. Service brake. Test vehicle on a substantially level, dry, smooth, hard surface road or area that is free of loose material, oil, or grease. Using the service brake only, the stopping ability of the vehicle should be tested. Brake tests on the open highway should be at a speed of twenty mph; such tests in an inspection station at a speed ranging from four to eight mph. In either instance the vehicle must stop within the statutory requirement and must not pull to the right or left.

c. Parking brakes. Check by parking the vehicle on grade upon which operated. Using only the parking brake system, the vehicle should be able to be safely parked in this position without using the total available actuator stroke.

*Cause for Rejection:* Parking brake fails to hold vehicle on test grade.

### 7.2 (2) Brake testing equipment procedures

a. Service brake. The vehicle so tested must have a total braking effort of at least sixty percent of the weight of the vehicle which must be distributed not more than seventy percent on the front wheels nor less than thirty percent on the rear wheels. Corresponding wheels, front or rear, must show at least sixty percent of the braking effort of the opposite wheel. Tractor-trailer units must be inspected separately as to tractor and trailer.

[Amended September 16, 1964]

## 8. Tires

### 8.1 Inspection procedure

8.1 (1) Visual.

### 8.2 Causes for rejection

8.2 (1) Solid rubber tires having less than one inch of rubber above the edge of the flange of the entire periphery on the entire traction surface.

8.2 (2) One or more pneumatic tires worn to the extent that more than two layers of fabric or cords are exposed on the entire traction surface.

8.2 (3) A tire or tires having on its periphery any block, stud, flange, cleat, or spike or any other protuberances of any material other than rubber which projects beyond the tread of the traction surface of the tire or

tires, except it shall be permissible to use tire chains of reasonable proportions upon any vehicle when required for safety because of snow, ice, or other conditions tending to cause a vehicle to skid.

### 9. Lighting Systems

#### 9.1 General

9.1 (1) Road lighting equipment must be inspected to determine if the same complies with distribution requirements specified in sections 321.409 and 321.417, Code of Iowa 1962.

9.1 (2) Rear lamps must comply with sections 321.387 and 321.388, Code of Iowa 1962.

9.1 (3) All other lamps and signal devices, including but not limited to directional signal devices, shall meet the requirements and limitations as set forth in chapter 321, Code of Iowa 1962.

9.1 (4) Optional equipment shall not be the basis for rejection providing the same shall meet the requirements and limitations set forth in chapter 321, Code of Iowa 1962.

9.1 (5) Headlight testing equipment may be used in the motor vehicle testing station. However, such devices must be maintained in good working order and be capable of testing all types of approved lighting equipment. When no longer usable they must be replaced or other facility provided.

9.1 (6) Reflectors and other safety devices when required shall meet the requirements and limitations set forth in chapter 321, Code of Iowa 1962.

#### 9.2 Inspection procedure

9.2 (1) Beams should be inspected for focus and aim, either on a screen at a distance of twenty-five feet ahead of the headlamps or with inspection equipment which gives essentially equivalent results.

#### 9.3 Causes for rejection

9.3 (1) Any bulb in any lamp required by law or regulation which fails to function properly.

9.3 (2) A cracked, broken, or missing lens.

9.3 (3) A lens that is rotated, upside down, wrongside out, or is otherwise incorrectly installed.

9.3 (4) A lens marked "left" or "right", not appropriately installed.

9.3 (5) A separable type lens, the name of which does not correspond with the name stamped on the lamp body, unless it is specifically approved for use with that lamp body.

9.3 (6) A headlamp with dirt or moisture inside, any obvious discoloration, contamination, or reflector deterioration.

9.3 (7) A lamp which is not securely fastened to the vehicle.

9.3 (8) A lamp showing a beam of color contrary to law or regulation.

9.3 (9) Any lamp or lens which is turned or inclined so that its light is not properly directed.

9.3 (10) Any lamp or reflex reflector not of an approved type when approval is required.

a. The list of approved lighting devices and safety devices compiled by the commissioner must be conspicuously displayed in the motor vehicle testing facility.

9.3 (11) A cracked, broken, missing lens or reflex reflector.

### 10. Miscellaneous Equipment

#### 10.1 Horn

10.1 (1) A motor vehicle or vehicle not equipped with a horn in good working order must be rejected.

10.1 (2) A motor vehicle or vehicle equipped with a horn or other warning device emitting an unreasonably loud or harsh sound or a whistle must be rejected.

#### 10.2 Rear-view mirror

10.2 (1) A motor vehicle not equipped with a mirror so located as to reflect to the driver a view of the highway for a distance of at least two hundred feet to the rear of such vehicle must be rejected.

#### 10.3 Windshield wipers

10.3 (1) The windshield on every motor vehicle shall be equipped with a device for cleaning rain, snow, or other moisture from the windshield, which device shall be so constructed so as to be controlled or operated by the driver of the vehicle. Any motor vehicle not so equipped must be rejected.

### 11. Exhaust System

#### 11.1 Inspection procedure

11.1 (1) The exhaust system should be examined visually if the sound of the engine running indicates a defective exhaust system. Rusted or corroded surfaces should be given attention.

#### 11.2 Causes for rejection

11.2 (1) Holes, leaking seams, or loose interior baffles in the muffler.

11.2 (2) A muffler cutout, muffler by-pass, or similar device.

[Amended September 16, 1964]

### 12. Emergency Warning Devices

#### 12.1 Definitions

12.1 (1) Include lanterns, electric emergency lanterns, fuses, reflector-type flares, and flags.

#### 12.2 Inspection Procedure

12.2 (1) When emergency warning devices are required by statute or regulation, they should be checked in accordance with the provisions of such law or regulation.

#### 12.3 Causes for Rejection

12.3 (1) Not of an approved type, make, model, number of units, or capacity.

12.3 (2) Not in operating condition.

These amendments to the rules are intended to implement section 321.245 of the Code.

### **EMERGENCY EQUIPMENT ON PRIVATELY OWNED MOTOR VEHICLES AND THE ISSUANCE OF PERMITS FOR THE USE THEREOF**

Pursuant to authority vested in this department by section 321.4, Code of Iowa, the fol-

lowing rules and regulations pertaining to the use of emergency equipment on privately owned motor vehicles and the issuance of permits for the use thereof are hereby adopted.

[Filed and indexed November 13, 1962]

#### I. Definitions

A. Authorized emergency vehicle defined by section 321.1 (26), Code of Iowa.

B. Ambulance. A vehicle which is designed and used primarily for the conveyance of injured or ill persons which is acceptable as such by the commissioner of the department of public safety.

C. Rescue vehicle. A vehicle used to extricate or to assist persons in dangerous situations involving their bodily welfare.

D. Disaster vehicle. Same as rescue vehicle.

E. Emergency equipment. Warning lights, sirens, and any and all types of equipment or devices which can be mounted on or carried in a motor vehicle which is designed for or may be used to warn persons or other motorists of the approach of or the presence of the motor vehicle which is so equipped.

#### II. Flashing lights.

The use of flashing lights on motor vehicles is prohibited, except as a means of indicating a right or left turn or intention of stopping or on the following enumerated vehicles:

A. Authorized emergency vehicles.

B. Rural mail carriers may use a flashing white or amber, or any shade of color between white or amber, dome lights on their vehicles when outside the corporate limits of any city or town when stopping on or near the highway while in the process of delivering mail. No permit is required for this type of light to be used by a rural mail carrier.

C. Volunteer firemen may display and use a flashing blue light on their privately owned vehicles. However, a permit must be obtained from the commissioner of public safety before such display or use is authorized.

III. Red lights on the front of motor vehicles.

No person shall operate or move any motor vehicle or equipment upon any highway which has any lamp or device thereon which displays or reflects a red light visible from directly in front of such vehicle. This provision shall not apply to authorized emergency vehicles.

#### IV. Government-owned motor vehicles.

All motor vehicles which are owned or operated by the federal, state, county, or municipal governments may be classified as authorized emergency vehicles by such governmental agency and said agencies do not need to pro-

vide a permit from this department to equip and use emergency equipment on such vehicles.

#### V. Privately owned motor vehicles.

All motor vehicles which are privately owned must be issued a permit from the commissioner of public safety before such privately owned vehicles may be equipped with and use emergency equipment.

1. The commissioner is authorized to designate a privately owned ambulance, rescue or disaster vehicle as an authorized emergency vehicle and to issue a certificate of designation therefor, upon written request being made on forms provided by the department and a showing of necessity for such designation.

2. The commissioner may revoke such certificate of designation upon a showing of abuse thereof.

#### VI. Authorization to sheriffs and their deputies.

Sheriffs and their authorized, full time, compensated deputies may be given permits to operate their privately owned vehicles as rescue or disaster vehicles.

#### VII. Authorization to chiefs of police and town marshals.

Chiefs of police, town marshals or chiefs of organized, full time, compensated fire departments may obtain a permit for the use of emergency equipment on their privately owned vehicles when the department of public safety determines that the public welfare calls for the use of such equipment and when the permit is requested by the city council and signed by the mayor of the city or town in which the applicant resides.

#### VIII. Applications which will be considered.

Only those vehicles which are specifically mentioned herein, or by law, or those vehicles which meet the requirements as set out herein will be considered as subjects for which a permit will be issued.

IX. Types of emergency equipment which is subject to approval.

When application is made for a permit to operate any emergency equipment consisting of lighting devices, the applicant will not receive consideration for a permit unless the light to be used is on the commissioner's list of approved lighting devices.

#### X. Application form.

An application for designation of a privately owned motor vehicle as an authorized emergency vehicle shall be made on the following form. These forms may be obtained from the commissioner's office.



APPROVED BY: \_\_\_\_\_ ON: \_\_\_\_\_

Application for Designation of Vehicle as "Authorized Emergency Vehicle"  
(Complete in Duplicate)

TO THE COMMISSIONER OF PUBLIC SAFETY OF THE STATE OF IOWA:

Application is hereby made for designation of the vehicle, below described, as an "authorized emergency vehicle":

Your County \_\_\_\_\_

(1) Your Name \_\_\_\_\_ Your Age \_\_\_\_\_  
Regular Occupation \_\_\_\_\_ Address of Owner \_\_\_\_\_

(2) Description of vehicle: Make \_\_\_\_\_ Year \_\_\_\_\_ Type \_\_\_\_\_  
Registration No. \_\_\_\_\_ Gross Weight \_\_\_\_\_ Serial No. \_\_\_\_\_

(3) The undersigned has insurance coverages with \_\_\_\_\_  
Insurance Co. of \_\_\_\_\_ and as  
covered by \_\_\_\_\_ liability coverage. Check if no  
coverage ( ).

(4) Exact Factory Description, (and specify whether or not Flasher type light), of the emer-  
gency equipment to be used \_\_\_\_\_

Siren type description \_\_\_\_\_

(5) State if vehicle is to be used as an ambulance, rescue or disaster vehicle \_\_\_\_\_

Specify in detail the full, and only uses of the vehicle \_\_\_\_\_

(6) State the full names, ages, and addresses, plus occupations of all persons who will operate  
this vehicle at any time. \_\_\_\_\_

**I CERTIFY THAT THE INFORMATION ABOVE PROVIDED IS A FULL DISCLOSURE, AND IS TRUE AND CORRECT. AND I FULLY UNDERSTAND THAT ANY NONCOMPLIANCE WITH THE LAW, OR MISREPRESENTATION IN THIS APPLICATION MAY RESULT IN REVOCATION OF THIS PERMIT AND PENALTIES AS THE LAW PROVIDES.**

STATE OF IOWA \_\_\_\_\_ ) SS \_\_\_\_\_  
COUNTY OF \_\_\_\_\_ ) Owner of Vehicle  
Subscribed and sworn to before me, by owner of vehicle on this \_\_\_\_\_ day of \_\_\_\_\_  
\_\_\_\_\_, 19\_\_\_\_.

Notary Public

Said application must be submitted in duplicate, must be notarized, filled out completely, and must be accompanied by two photographs of the vehicle. The photographs should be no less than three inches by three inches and show side and a front view of the vehicle.

XI. Mayor's Certificate of necessity.

The following "Certificate" must be completed in duplicate and accompany the application for all permits which are requested for the use of emergency equipment on the privately owned motor vehicles of Chiefs of Police or Iowa Marshals.

**CERTIFICATE**

I, \_\_\_\_\_, being a Mayor of \_\_\_\_\_, Iowa, do hereby certify that the City Council, of which I am presently Mayor, has by resolution, duly executed, requested the State Department of Public Safety to issue a vehicular emergency permit to \_\_\_\_\_ who is a duly authorized, full time, fully compensated peace officer, engaged in law enforcement work in our city or town.

It is understood and agreed that any permit the Department of Public Safety may issue on the basis of the authorization of this certificate, is granted subject to the provisions of this certificate, and subject to the conditions, as represented, continuing. Any change in the conditions or provisions as represented by this certificate, or by the permit application form, as executed, will terminate, by force of law, the permissions granted by the permit.

\_\_\_\_\_  
Mayor of \_\_\_\_\_, Iowa

## REAL ESTATE COMMISSION

[Amendments filed May 31, 1957]

**1.1(117) Conduct of Examinations.** All examinations for licenses as real estate brokers or salesmen shall be conducted on the Thursday preceding the second Tuesday of each month by the commission or its authorized representative in the state Capitol Building, Des Moines, Iowa.

**1.2(117) Refund of Fee.** If for any reason an applicant fails to qualify for a license, the fee submitted with his application shall not be refunded.

**1.3(117) Limited Filing Period.** An applicant is required to take the examination prescribed by the commission within sixty days from the date of filing the application. This requirement may be waived by the commission if satisfactory evidence is presented by the applicant showing that extenuating circumstances prevented compliance.

**1.4(117) Reapplying After Failure.** An applicant who fails to qualify for a license is prohibited by law from reapplying for the same or a higher status until six months have elapsed from the date of the last rejection.

**1.5(117) Listing Contract Termination.** The use of a listing contract which does not have a definite termination will be considered as detrimental to the public interest.

**1.6(117) Filing a Formal Complaint.** A formal complaint against a licensee must be prepared and signed in triplicate on forms approved by the commission.

**1.7(117) Renewal Procedure Following Expiration.** All licenses expire as of December 31 of the year of issuance. A licensee who fails to make proper application for renewal prior to expiration will be required to make an original application in which he must certify under oath that he has not acted in the capacity of a real estate broker or salesman during the time that he has not had a license.

**1.8(117) Salesman's License Limited.** The holder of a real estate salesman's license may not advertise to buy, sell, rent or exchange real estate without including in the advertisement the name of his employer.

**1.9(117) Broker Acting as Buyer.** A broker shall not buy for himself either directly or indirectly property listed with him, nor shall he acquire any interest therein without first making his true position clear to the owner. Satisfactory proof of this fact must be produced by the broker upon request of the commission.

**1.10(117) Examinations Passed By Commission.** The commission shall pass upon the examination papers of applicants for either broker's or salesman's license.

**1.11(117) Conversion of Licenses.** A broker's license cannot be converted to a salesman's license or vice versa.

**1.12(117) Commission Controversies.** The commission is not authorized by law nor will it consider or conduct hearings involving disputes over fees or commissions between cooperating brokers, brokers and salesmen, and other brokers.

**1.13(117) Qualifying a Firm.** All members of a partnership or officers of a corporation or association who are actively engaged in the real estate brokerage business must qualify and obtain a broker's license before the firm itself can obtain a license.

**1.14(117) Refunds to Purchaser.** When for any reason the owner fails or is unable to consummate the deal, the broker has no right to any portion of the money deposited with him by the purchaser, even though the commission is earned. The money must be returned to the purchaser and the broker should look to the owner for his compensation.

**1.15(117) Lotteries Prohibited.** Lotteries and schemes of sales involving selling of certificates, chances, or other devices, whereby the purchaser is to receive property to be selected in an order to be determined by chance, or by some means other than the order of prior sale, or whereby property more or less valuable will be secured according to chance, or the amount of sales made, or whereby the price will depend upon chance, or the amount of sales made, whereby the buyer may or may not receive any property, are declared to be methods by reason of which the public interests are endangered.

**1.16(117) Signs On Property.** Placing a sign on any property offering it for sale, rent, or lease without the consent of the owner shall be held as against the best interests of the general public.

**1.17(117) Regular and Called Meetings of the Commission.** Regular meetings of the commission shall be held in the offices of the commission in the state capitol or at such other place in or out of the city of Des Moines, Iowa, as designated by the commission on the Friday of the following week of the date of each monthly examination. Special meetings when deemed necessary may be called by the director of the real estate commission, who shall set the time and the place of such meeting. [Filed June 11, 1953; amended January 15, 1963]

**1.18(117) Broker Required to Furnish Progress Report.** At the expiration of thirty days after an offer to buy has been made by a buyer and accepted by a seller, either party may demand and the broker shall furnish a detailed statement showing the current status of the transaction. On demand by either party the broker shall furnish a detailed current statement on thirty-day intervals thereafter until the transaction is closed.

**1.19(117) Enforcing a Protective clause.** To enforce a protective clause beyond the expiration of an exclusive listing contract, the broker must furnish to the owner prior to the expiration the names and addresses of all persons to whom the property was presented during the active term of the listing.

**1.20(117) Offering of Prizes.** The offering of prizes or anything of value as an inducement to buy or sell real estate shall be considered payment of a commission to a person who is not a licensed broker or salesman under the provisions of this chapter and a violation thereof. [Filed May 25, 1953]

## RECIPROCITY BOARD

[Filed January 15, 1963]

### I. Rules and Regulations Regarding Trip-Leased Vehicles.

The reciprocal and/or proration agreements negotiated by the Iowa reciprocity board on behalf of the state of Iowa extend benefits to leased vehicles on the basis of the residence of the lessee with the exception of household goods carriers. Theoretically, the state of Iowa could require a prorate carrier to file a supplemental application to include any vehicles leased even though the duration of the lease were for a shorter period of time than thirty days. The Iowa reciprocity board has broad statutory authority to negotiate agreements with such conditions, restrictions, and privileges or lack of them as the board might deem advisable. To avoid undue restriction of interstate and intrastate commerce, the board has developed the following policy with respect to restrictions on single trip lease operations:

1. Prior to a single trip lease movement of a commercial vehicle (tractor, truck, and/or semitrailer) by a carrier who has prorated his fleet, the lessee must complete an Iowa Trip-Lease Identification Card if:

*a.* The leased vehicle is not registered fully in Iowa or if:

*b.* The leased vehicle has not already been prorated in Iowa at a percent equal to or greater than the percent for which the lessee's fleet has been prorated.

2. The Iowa Trip-Lease Identification Card is obtained from the Iowa reciprocity board. The applicant must estimate his needs in advance and secure the cards necessary to comply with these requirements. There is a charge of one dollar for each set of identification cards. No expiration date is shown on the card, so the applicant need not hesitate to purchase same in advance of need.

3. At the close of each calendar quarter the carrier is required to file a single trip mileage report, and at that time the carrier is billed a prorate fee for each trip. The fee due Iowa for each single trip lease is computed by dividing the single trip Iowa miles by the average annual miles operated by the lessee's vehicles in the compact states during the base period multiplied by the full annual Iowa registration fee for the vehicle leased. The Iowa reciprocity board makes the necessary adjustment when the leased vehicle has already been prorated with Iowa at a lower percent. Under no circumstances is the carrier permitted to trip lease a vehicle owned or

under a lease of thirty days duration or longer to the lessee.

The Iowa carrier who has not registered his vehicles on a prorate basis is permitted to trip lease any vehicle fully licensed in Iowa or prorated with Iowa without carrying the Iowa Trip-Lease Identification. If the vehicle being operated on a trip lease basis is registered in another state and has not been prorated with Iowa, the following requirements must be met:

*a.* There must be documentary evidence that the vehicle is being operated pursuant to a trip lease arrangement.

*b.* The vehicle must be registered in the state of residence of the registered owner.

*c.* State of registration must be a state with whom Iowa has reciprocity.

*d.* If the vehicle is a truck or tractor having a laden gross weight in excess of twelve thousand pounds, the vehicle must be identified with an Iowa reciprocity permit.

*e.* The vehicle must be "headed" towards its home state.

The nonresident carrier who is not subject to prorate registration in Iowa is permitted to trip lease any vehicle fully licensed in Iowa or prorated with Iowa without carrying the Iowa Trip-Lease Identification. If the vehicle so operated is registered outside Iowa and has not been prorated with Iowa, the following requirements must be met:

*a.* There must be documentary evidence that the vehicle is being operated pursuant to a trip lease arrangement.

*b.* The vehicle must be registered in the state of residence of the registered owner.

*c.* State of registration must be a state with whom Iowa has reciprocity.

*d.* If the vehicle is a truck or tractor having a laden gross weight in excess of twelve thousand pounds, the vehicle must be identified with an Iowa reciprocity permit.

*e.* The vehicle must be "headed" towards its home state.

### II. Restrictions on Trailer Interchange and Trailer Interline.

The prorate carrier may apply for the privilege of interchange and/or interline of trailers by completing the appropriate Iowa form. To qualify for this privilege the applicant must certify that he has included all his trailers (owned or under permanent lease) in his Iowa prorate registration application; and that if

any trailers are added to the fleet during the registration year that these additional trailers will also be prorated with Iowa. In addition, the applicant must prorate at least one trailer for each tractor to qualify for the privilege of trailer interchange and/or interline.

1. The privilege will not extend to any trailer owned or under permanent lease to a carrier who has qualified as a prorate fleet operator in Iowa for the current registration year unless that trailer is carrying the proper evidence of its prorate registration in Iowa.

2. The privilege will not extend to any trailer owned or under permanent lease to the nonprorate carrier unless the vehicle is properly registered in a state with whom Iowa has reciprocity. The vehicle must be registered in the state of residence of the owner.

3. The privilege will not extend to any trailer for which there is not documentary evidence displayed of a bona fide interchange or interline.

The prorate carrier who has qualified for this privilege is issued Iowa registration receipts or cab cards for its power units stamped "Interchange."

4. An operation by a qualified carrier of an interchanged trailer will be permitted if the documentary evidence contained in the interchange agreement, between carriers, indicates that the trailer "traded" is properly registered in Iowa.

5. An operation by a qualified carrier of an interlined trailer will be permitted if the registration on the trailer is from the state of residence of the owner of the trailer and from a state with which Iowa has reciprocity. The load must be a through load having originated with the owner of the trailer if the movement is in the direction away from the home state of the trailer owner and state of registration. Any subsequent movements of the trailer regardless of load must be in the general direction back toward the home state of the owner of the trailer.

**III. Iowa Temporary Registrations.**

To facilitate the movement of vehicles in interstate and/or intrastate commerce by the carrier who has registered his vehicles on a prorate basis, Iowa issues the Iowa temporary proration registration which may be completed by the carrier at the time the vehicle is added to the fleet whether by lease or by purchase. This method was devised to reduce the operation cost of the carrier who had prior thereto found it necessary to telephone the office for telegraphic authority. The Iowa temporary proration registration is purchased in advance for one dollar each from the Iowa reciprocity board and must be completed in triplicate—one copy to be retained by the carrier, one copy to be carried in the cab of the vehicle, and the third copy to be mailed to the Iowa reciprocity board. These temporary proration registrations are valid for a period of fifteen days and are not renewable. These registra-

tions are issued with the understanding that the carrier will prepare immediately a supplemental proration registration application to qualify the vehicle in question.

**IV. Iowa Reciprocity Permits.**

The nonresident carrier who does not qualify as a fleet operator and is not subject to proration is required to have an Iowa reciprocity permit on any truck or tractor having a combined laden gross weight in excess of twelve thousand pounds when operated interstate on the Iowa highways. In addition, the carrier who does not qualify as a fleet operator but whose vehicle or vehicles is licensed in one of the states with which Iowa has prorate agreements is required to have an Iowa reciprocity permit on the trailing units as well as the power units. There is an annual fee of one dollar for each reciprocity permit. The vehicle covered by the reciprocity permit is permitted to engage only in interstate commerce in the state of Iowa. The vehicle which is being operated under reciprocity permit is not permitted to engage in intrastate commerce even though that movement might be simultaneous with the movement in interstate commerce.

The vehicle covered by the Iowa reciprocity permit is authorized to engage in interstate operation in Iowa provided the carrier has proper operating authority, as required, from the Iowa state commerce commission. The vehicle is not permitted to operate in Iowa at a greater weight than shown on his registration, and the vehicle cannot operate in Iowa on a license plate whereunder the registration is limited geographically, purposewise, or mileagewise.

**V. Denial of Reciprocal Privileges.**

It is the policy of the Iowa reciprocity board to afford a carrier the opportunity to be heard prior to the withdrawal of any benefits or privileges granted by the state of Iowa pursuant to the Uniform Vehicle Proration and Reciprocity Compact and the Midwest Vehicle Proration Compact. It is also the policy of the Iowa reciprocity board to afford a resident carrier the opportunity to be heard if the benefits or privileges granted pursuant to either compact agreement are withdrawn, in whole or in part, by a contracting state. The Iowa reciprocity board then determines if it should intercede on behalf of the carrier; however, such intercession is not mandatory.

**VI. Organizational Data.**

The Iowa reciprocity board meets in regular session on the first Thursday of each month at 9:00 a.m. in the hearing room of the Iowa state commerce commission; however, the chairman or a majority of the members of the board may call a special meeting at any time. All meetings are open to the public. It is the policy of the board to require all individuals or groups or delegations to submit requests for hearings to the Iowa reciprocity board in

writing fifteen days in advance of such hearing, stating fully the subject to be presented.

#### VII. Policy with Respect to Allowance of Credit.

If a vehicle is deleted from the prorated fleet and replaced with a comparable unit, the unexpired registration fees paid to the state of Iowa on the deleted unit are to be applied to

fees due Iowa on the replacement units. If the deleted unit is a leased vehicle, the carrier must complete a notarized certification that any unexpired registration fees paid by the lessor to the lessee have been refunded to the lessor prior to the request that credit for these fees be applied to a replacement unit.

[Filed January 15, 1963]

## REGENTS, BOARD OF

### ADMISSION REQUIREMENTS OF THE STATE UNIVERSITY OF IOWA, THE IOWA STATE UNIVERSITY OF SCIENCE AND TECHNOLOGY, AND THE STATE COLLEGE OF IOWA

[Filed September 30, 1960]

[See prior amendments filed Dec. 17, 1958; Jan. 28, 1959; May 26, 1959; Oct. 28, 1959 and Sept. 15, 1959]

The state board of regents has adopted the following regulations governing admission of students to the three institutions:

I. Regulations common to the three institutions.

II. Supplemental specific regulations for each institution.

In addition each institution is expected to carry such other information in its catalogue as is necessary to make the admissions process operate within the framework of these regulations.

Amendments and changes in these regulations normally are proposed by the institutions to the Iowa committee on secondary schools and college relations, which examines the proposals and makes specific recommendations to the state board of regents, empowered by law to establish the admissions requirements.

#### I. REGULATIONS COMMON TO THE THREE INSTITUTIONS

##### A. ADMISSION OF FRESHMAN STUDENTS

A student desiring admission must meet the requirements in this section and also any special requirements for the curriculum, school, or college of his choice.

He must submit a formal application for admission and must have the secondary school provide a certificate of high school credits, including a complete statement of the applicant's high school record, rank in class, scores on standardized tests, and certification of high school graduation. The applicant must also submit any other evidence such as a certificate of health that may be required by the individual institution of higher learning.

1. A graduate of an approved Iowa high school who has the proper subject-matter background, who is in the upper one-half of his graduating class, and who meets specific curricular requirements will generally be admitted upon certification of graduation, if he applies for admission.

A candidate who is not in the upper one-half of his graduating class may be required to take

special examinations and may after a review of his entire record and at the discretion of the admissions officers: (1) Be admitted unconditionally, (2) be admitted on probation, (3) be required to enroll for a tryout period during a preceding summer session, or (4) be denied admission.

2. A graduate of an accredited high school in another state must meet at least the same standards as a graduate of an Iowa high school. The options for admission by probation or tryout enrollment may not be open to these students. Each college reserves the right to demand higher standards from graduates of out-of-state high schools.

3. A graduate of a nonapproved high school must submit all data as required above and in addition must take examinations which will demonstrate his general competence\* to do successful college work.

4. An applicant who is not a high school graduate must submit all data required above insofar as it exists and must take examinations to demonstrate general competence\* to do college work. Evidence of specific competence for admission to a given curriculum will also be required.

\*Examinations for the determination of general competence to do college work are determined by the Iowa committee on secondary school and college relations and are comparable for all three state institutions. Competence established at one is acceptable at all three, but due to different specific curricular requirements, does not guarantee admission to either of the other two.

##### B. ADMISSION OF UNDERGRADUATE STUDENTS BY TRANSFER FROM OTHER COLLEGES

1. Students from accredited colleges and universities. Transcripts of record are given full value if coming from colleges or universities accredited by the North Central Association of Colleges and Secondary Schools or similar regional associations. For schools not regionally accredited the recommendations contained in the current issue of the Report of Credit Given by Educational Institutions published by the American Association of Collegiate Registrars and Admissions Officers will be followed.

a. Each applicant shall submit an official transcript bearing the original seal and signature of the official in charge of records from each college or university which the student has attended previously. The student will also submit any other records or letters which

the college may require to support his application for admission.

b. A transfer applicant shall be expected to have maintained a "C" average (2.00 based on an "A" grade being 4 points) for all college work previously attempted and not be under suspension from the last college attended. Students who are not residents of Iowa may be expected to have maintained a 2.25 grade index.

c. A student who is below the above standard may be permitted to take entrance examinations. If the applicant successfully completes the examinations he may be admitted on probation.

d. In general transfer applicants under academic suspension from the last college attended will not be considered for admission during the period of suspension or if for an indefinite period, until six months have passed since the last date of attendance. When eligible for consideration the applicant will be considered as in "c" above.

e. A transfer applicant under disciplinary suspension will not be considered for admission until a clearance and a statement of the reason for suspension is filed from the previous college. When it becomes proper to consider an application from a student under suspension, the college must take into account the fact of the previous suspension in consideration of the application. An applicant granted admission under these circumstances will always be on probation and his admission subject to cancellation.

f. Applicants for admission by transfer who do not meet the standards may be denied.

g. Transfer credit from a junior college will not be accepted if that credit is earned after the total number of hours of credit accumulated by this student at all institutions attended exceeds one-half of the number of hours needed for the earning of the baccalaureate degree.

**2. Students from nonaccredited colleges.** A college may refuse to recognize credit from a nonaccredited college or may admit the applicant on a provisional basis and provide a means for the validation of some or all of the credit. The validation period shall not be less than one semester and will ordinarily be a full academic year. The college will specify to the student the terms of the validation process at the time of provisional admission. Each student from a nonaccredited college will be considered on his merits and his admission or rejection is at the discretion of the admissions officer.

#### C. APPLICATION DEADLINES

Applicants for admission must submit the required applications for admission and the necessary official transcripts and other required documents to the admissions officer of the appropriate college at least ten days prior to the beginning of orientation for the session for which the student is applying. Applica-

tions for admission from students who are required to take entrance examinations will not be considered unless the examinations can be completed at least five days before the beginning of orientation. This regulation may be waived by the admissions officer only for adequate reasons.

This regulation does not apply to the colleges of medicine and dentistry at the university and the college of veterinary medicine at the Iowa State University. Regulations applying to these are given in the following sections: IIA2; IIA6; IIB1e.

All new undergraduate students must complete the Iowa College Scholarship and Placement Tests or the equivalent as determined by the admissions officer before the beginning of orientation for the session in which the student first registers.

#### D. CLASSIFICATION OF RESIDENTS AND NONRESIDENTS FOR ADMISSION AND FEE PURPOSES

##### 1. General

Students enrolling at one of the three state institutions shall be classified as resident or nonresident for admission, fee, and tuition purposes by the registrar. The decision shall be based upon information furnished by the student and all other relevant information. The registrar is authorized to require such written documents, affidavits, verifications, or other evidence as are deemed necessary to establish the domicile of a student, including proof of emancipation, adoption, award of custody, or appointment of a guardian. The burden of establishing that a student is exempt from paying the nonresident fee is upon the student.

For purposes of resident and nonresident classifications, the word "parents" as herein used shall include legal guardians or others standing in loco parentis in all cases where lawful custody of any applicant for admission has been awarded to persons other than actual parents.

##### 2. Residence for Tuition Purposes

Regulations regarding residence for admission, fee and tuition payment are generally divided into two categories—those that apply to students who are minors and those that apply to students who are over twenty-one years of age. The requirements in these categories are different. Domicile within the state means adoption of the state as a fixed permanent home and involves personal presence within the state. The two categories are discussed in more detail below.

##### 3. Students Who Are Minors

The residence of a minor shall follow that of the parents at all times, except in extremely rare cases where emancipation can be proved beyond question. The residence of the father during his life, and after his death, the residence of the mother, is the residence of the unemancipated minor; but if the father and the mother have separate places of residence, the minor takes the residence of the parent with

whom he lives or to whom he has been assigned by court order. The parents of a minor applying for admission will be considered residents of Iowa only if they have had a domicile within the state for six months immediately prior to the date of the minor's enrollment at Iowa State University or the State University of Iowa, or State College of Iowa.

A minor admitted before his parents have moved to Iowa or before they have been here six months, may be reclassified as a resident at the next registration after his parents have had a domicile here six months. A minor student whose parents move their residence from Iowa to a location outside of Iowa shall be considered to be a nonresident after six months from the date of the parents' removal from the state.

#### 4. Students Over Twenty-one Years of Age

A resident student twenty-one years of age or over is (1) one whose parents were residents of the state at the time he reached his majority and who has not acquired a domicile in another state, or (2) who, while an adult, has established a bona fide residence in the state of Iowa by residing in the state for at least twelve consecutive months immediately preceding registration. Bona fide residence in Iowa means that the student is not in the state primarily to attend a college; that he is in the state for purposes other than to attempt to qualify for resident status.

Any nonresident student who reaches the age of twenty-one years while a student at any school or college does not by virtue of such fact attain residence in this state for admission or tuition payment purposes.

#### 5. General Facts

The residence of a wife is that of her husband. A nonresident female student may attain residence through marriage, and correspondingly, a resident female student may lose residence by marrying a nonresident. Proof of marriage should be furnished to the registrar at the time change of status is requested.

Persons who are moved into the state as the result of military or civil orders from the government, or the minor children of such persons, are entitled to residence status after residing in Iowa for six months. However, if the initial registration of the minor children precedes the arrival of the parents, nonresident tuition will be charged in all cases until the next registration after the conditions set forth above are met.

Dependents of persons whose legal residence is permanently established in Iowa, who have been classified as residents for tuition purposes may continue to be classified as residents so long as such residence is maintained, even though circumstances may require extended absence of said persons from the state. It is required that persons who claim an Iowa residence while living in another state or country will provide proof of a continual Iowa domicile such as (1)

evidence that they have not acquired a domicile in another state, (2) they have maintained a continuous voting record in Iowa, and (3) they have filed regular Iowa income tax returns during their absence from the state.

Full time faculty and staff members and their immediate families of the colleges and universities under the state board of regents will be classified as residents on the effective date of their employment.

Ownership of property in Iowa, or the payment of Iowa taxes, does not in itself establish residence.

A student from another state who has enrolled for a full program or substantially a full program, in any type of educational institution will be presumed to be in Iowa primarily for educational purposes, and will be considered not to have established residence in Iowa. Continued residence in Iowa during vacation periods or occasional periods of interruption to the course of study does not of itself overcome the presumption.

All students not classified as resident students shall be classified as nonresidents for admission, fee and tuition purposes. A student who willfully gives incorrect or misleading information to evade payment of the nonresident fees and tuition shall be subject to serious disciplinary action and must also pay the nonresident fee for each session attended.

An alien who has entered the United States on an immigration visa and who has established a bona fide residence in Iowa by living in the state for at least twelve consecutive months immediately preceding registration may be eligible for resident classification providing he is in the state for purposes other than to attempt to qualify for resident status as a student.

Men in military service (except career service men) who listed Iowa as their residence prior to entering service and who, immediately upon release, return to Iowa to establish their residence or enter college, will be classified as residents unless their parents moved from the state while the individual was still a minor.

Change of classification from nonresident to resident will not be made retroactive beyond the semester or session in which application for resident classification is made.

These rules shall become effective on September 1, 1965. [Filed May 24, 1965]

#### 6. Review Committee

The decision of the registrar on the residence of a student for admission, fee and tuition purposes may be appealed to a review committee. The finding of the review committee shall be final.

#### II. SUPPLEMENTAL SPECIFIC REGULATIONS FOR EACH INSTITUTION

The following requirements are in addition to those given in section I above.

##### A. STATE UNIVERSITY OF IOWA

All applicants for admission to any college

of the state University of Iowa must submit a formal application for admission with the required official transcripts and other supporting material as required to the Dean of Admissions and Registrar. Students may not be registered until they have been issued an admission statement by the Dean of Admissions and Registrar.

### 1. College of Business Administration

[Filed March 23, 1964]

For admission to the college of business administration an applicant's record must show that he has—

A. Satisfied the requirements of the rhetoric program of the state University of Iowa. Students who have satisfied all except the speech portion of the rhetoric requirement will be granted conditional admission.

B. Completed one of the three courses required for graduation: Natural science or historical and cultural or literature. For the natural science course there may be substituted eight semester hours of credit in mathematics or four semester hours of credit in mathematics, plus four semester hours of credit in any natural science laboratory course. The course in college algebra required for graduation may apply toward this requirement.

C. Satisfied the military science requirement of the state University of Iowa.

D. Received credit for six semester hours in either principles of accounting or principles of economics.

E. Maintained the following grade point\* record:

Students transferring from a college of the state University of Iowa: A grade point average of not less than 2.0 on all courses undertaken, and on all courses undertaken at the state University of Iowa, and on all courses undertaken in business and economics.

Students transferring from other colleges: A grade point average of not less than 2.0 on all courses undertaken and on all courses undertaken in business and economics.

Students who have minor deficiencies in meeting the above requirements may petition the director of admissions for conditional or probationary admission to the college of business administration.

### Tests Required of Entering Students

All students entering the college of business administration, except those who enter by transfer from the college of liberal arts of this university, are required to take a series of tests. These tests cover ability in reading, mathematics, written and oral expression, and several other areas. The results of these tests are used (1) to determine if students have met certain basic course requirements; (2) for placing others in sections designed to meet individual needs; (3) for advising students concerning their program of studies and future educational plans; and (4) as an aid to faculty members in adjusting instruction to individual and class needs.

These rules shall become effective on September 1, 1964. [Filed March 23, 1964]

\*Marking System. The marking system and grade points assigned each passing mark are A—superior (4 grade points), B—above average (3 grade points), C—average (2 grade points), D—below average (1 grade point). Nonpassing: F—fail, I—incomplete, and W—withdrawn, dropped without discredit.

### 2. College of Dentistry

The closing date for applications and credentials will be February 15 for the class to enter dentistry the following September. Applicants are urged to file the completed application and the necessary official transcripts as soon as possible after October 1 preceding the September in which they enter dentistry.

Applicants for admission to dentistry are encouraged to complete a program leading to a standard bachelor's degree before entering dentistry. Applicants should consider a combined program between liberal arts and dentistry which would grant a standard bachelor's degree upon the completion of the freshman year in dentistry. Preference will be given to students who have a bachelor's degree or who have completed the requirements for the degree on a combined program.

### General Basis for Admission

The college work outlined below will meet the minimum academic requirements for admission to the college of dentistry of the state University of Iowa. Each applicant must place on file in the office of the dean of admissions, the completed application form and official transcript from all colleges attended. The record must show the satisfactory completion of a high school program or its equivalent and the completion in a fully accredited college of arts and sciences of at least two full years of work comprising not less than sixty-four semester hours. The academic work presented must include the required courses which are listed below.

Applicants must have satisfied the Communication Skills requirement of the college of liberal arts of the state University of Iowa. Applicants who have done their work at other institutions may meet this requirement by presenting six semester hours of credit in English composition and rhetoric and two semester hours of credit in speech.

Biology: Eight semester hours, of which at least four must be in zoology with laboratory. In all cases, one-half the credit must be for laboratory work.

Physics: Eight semester hours, which must include at least two semester hours of work in a laboratory course.

Chemistry: A total of sixteen semester hours, including a minimum of eight semester hours of inorganic chemistry, at least twenty-five percent of which must be laboratory hours, and eight semester hours of organic chemistry, of which at least twenty-five percent must be laboratory hours.



**Electives:** Enough additional arts courses to make the total of two full years or sixty-four semester hours. The electives should be chosen so as to give the applicant a well-rounded educational background.

**Scholarship.** To be considered for admission, an applicant must have attained a grade-point average of at least 2.5 for all college work undertaken. As the quality of work in pre-dental science is very basic to success in dentistry, special attention will be given by the admissions committee to grades in science. The grade-point average is based upon the state University of Iowa's marking system in which a grade of "A" is equivalent to 4 points. Other marking systems will be evaluated by the office of the registrar and the committee on admissions of the college of dentistry.

Fulfillment of the specific requirements for admission listed does not insure admission to the college of dentistry. From the applicants meeting the minimum requirements the admissions committee will select the applicants who, in their judgment, appear to be the best qualified for the study and practice of dentistry. The committee considers the applicants' academic averages, the scores on the required Dental Aptitude Tests, and several other factors.

Since the available places in the freshman class of the college of dentistry are limited, preference will be given applicants who are residents of Iowa under the University's regulations on residence as determined by the university registrar. If it is found possible to consider a limited number of applicants who are nonresidents of Iowa under the University's regulations, preference will be given to applicants having the highest scholastic standing.

Personal interviews will be required of applicants for admission. Applicants will be notified when they should appear for the required interviews with members of the admissions committee.

**Required Dental Aptitude Test.** All applicants must complete the dental aptitude tests sponsored by the Council on Dental Education of the American Dental Association. All applicants for admission to the college of dentistry will, if they meet the minimum requirements for admission, receive an application form from the University for the required test. The required fee for the examination must be paid when the application is completed. The fee will entitle the applicant to request that his scores be sent to not more than five dental schools. Applicants are requested to submit applications well before the test deadline. Tests are given three times annually and the state University of Iowa is a testing center. Applicants wishing to apply for admission to the state University of Iowa's college of dentistry are urged to complete the examination in either October or January as the class is selected early in the spring.

**Deposit by Accepted Applicants.** Accepted applicants are required to make the required deposit within two weeks after notification of favorable action on their applications. This deposit is not returnable but is credited toward the first fee payment. The applicant who fails to make the payment within the time specified forfeits his place in the entering class.

**Physical Examination.** Before registration each applicant must present evidence of having satisfactorily passed a physical examination by the University Student Health Service.

**Advanced Standing.** Applications for admission with advanced standing are handled as individual cases.

### **Combined Liberal Arts-Dentistry Course**

The provision for acceptance, by the college of liberal arts, of thirty semester hours of elective credit from any other college of the University makes it possible for the student who enters the college of dentistry to obtain the bachelor's degree from the college of liberal arts upon the successful completion of the freshman year. To take advantage of this plan, the student must fulfill all specific requirements for the bachelor's degree, including the requirements for a major in some department or area of concentration. The successful completion of the last thirty hours in the college of liberal arts preceding enrollment in the college of dentistry satisfies the college residence requirements.

### **3. College of Engineering**

[Filed March 23, 1964]

All applicants for admission to any college of the state University of Iowa must submit a formal application for admission with the required official transcripts and other supporting material as required to the director of admissions at least ten days prior to the orientation period for the session for which the student is applying. Students may not be registered until they have been issued an admission statement by the director of admissions.

#### **Admission of Freshmen Students**

1. Completed a minimum of one and one-half years of high school algebra and one year of plane geometry or equivalent.

2. Attained satisfactory scores on the American College Testing Program tests.

a. Applicants who do not meet the admission requirements stated above may apply for admission to the college of liberal arts as pre-engineers. If eligible for admission, such students will be assigned to special pre-engineering advisers and will be expected to pursue a program of study which anticipates subsequent transfer to the college of engineering.

#### **Admission of Undergraduate Students by Transfer**

1. College of liberal arts (state University of Iowa)

a. Students classified as pre-engineers must have:

(1) Completed analytic geometry (22:5 or equivalent)

(2) Maintained a cumulative grade-point average of 1.8

(a) No student will continue to be classified as a pre-engineer beyond his completion of mathematics through integral calculus (mathematics 22:7 or equivalent) or his accumulation of fifty-five semester-hours credit, whichever occurs first.

(b) Students who are not classified as pre-engineers will be admitted only with the approval of the dean of the college.

#### 2. Other undergraduate colleges

a. Students must meet requirements listed in Part 1, Section B of state board of regents Admission Requirements (1960) and,

(1) Complete analytic geometry (mathematics 22:5 or equivalent)

(2) Maintained a cumulative grade-point average of 2.0 (C)

(a) An applicant who meets all of the requirements for transfer except the necessary grade-point average may be offered examinations to determine his eligibility to enter the college of engineering provided his average is at least 1.8.

#### 3. Combined liberal arts and engineering degrees

All applicants who desire to earn two bachelor's degrees at the state University of Iowa, one in liberal arts and one in engineering, will enroll initially in the college of liberal arts, and will be assigned to special combined-program advisers. Such students will be expected to transfer to the college of engineering upon completion of ninety-six semester-hours credit and must be in good academic standing in the college of liberal arts at the time of transfer.

For application blanks, bulletins, and information, write the Office of the Director of Admissions. [Filed March 23, 1964; effective September 1, 1964]

#### 4. Graduate College

Graduates of any college or university accredited by regional accrediting associations may if the academic record is satisfactory be admitted to the Graduate College. Admission to the Graduate College is not the equivalent of acceptance as a candidate for an advanced degree. Such acceptance is given usually after the completion in residence of work at the University and upon recommendation of the major department and approval by the Dean of the Graduate College. The acceptance of a student as a degree candidate is determined upon the merits of each individual case.

A student who is within four semester hours of having satisfied all the requirements for the bachelor's degree in the state University of Iowa may be given a tentative admission to the Graduate College.

#### 5. College of Law

[Amended September 18, 1964]

5.1 Address all inquiries regarding admis-

sion to the director of admissions, University of Iowa, Iowa City, Iowa. Applications will be received beginning July 1 of the year preceding the class for which application is being made. Students are urged to apply as early as possible, since this will give the admissions committee more time to devote to each application. The closing date for receiving applications shall be June 1.

5.2 To be considered for admission, an applicant should have attained a cumulative grade-point average of at least 2.3 on all college work undertaken. The grade-point average is based upon the University of Iowa's marking system in which a grade of "A" is equivalent to four points. Other marking systems will be evaluated by the office of admissions.

5.3 A minimum of ninety semester hours exclusive of required courses in air or military science and physical education in an accredited college or university must be completed prior to admission.

5.4 Prospective students are urged to complete the requirements for a bachelor's degree prior to entrance or to complete requirements on a combined baccalaureate-law curriculum so that the bachelor's degree can be granted prior to or at the time of graduation from the college of law. Students with ninety semester hours of acceptable work, however, will be considered for admission to the college of law. If such students complete the requirements and receive a bachelor's degree by the time they are ready to graduate from the college of law, they will be entitled to the Juris Doctor degree, providing their scholastic averages meet requirements for that degree.

5.5 It is required that each applicant complete the law school admission test prepared and given by the educational testing service. Applicants are requested to complete this test in November preceding the Fall semester in which they plan to apply for admission.

5.6 Fulfillment of the specific requirements for admission listed above does not insure admission to the college of law. From the applicants meeting the minimum requirements, the admissions committee of the college of law will select those applicants who, in their judgment, appear to be best qualified for the study and practice of law. The law admissions committee may require personal interviews of applicants.

5.7 Transfer students may be admitted at the discretion of the law admissions committee provided that all applicants for admission by transfer must have met the requirements for admission to this college of law at the time of their admission to another law school and must, at the time of transfer, be eligible to continue law study at the law schools which they previously attended.

## 6. College of Medicine

[Filed March 23, 1964]

Address all inquiries regarding admission to the Director of Admissions and Registrar, University Hall, state University of Iowa. Applications will be received beginning July 1 of the year preceding the beginning of the class for which application is being made. Students are urged to apply as early as possible since this will give the admissions committee more time to devote to each application. The closing date for receiving applications shall be January 1.

A fee of five dollars (for the evaluation of credentials) must accompany the application of all applicants who have not completed work in residence at the state University of Iowa.

Applications from those who are more than thirty years of age will be considered for acceptance only in exceptional cases.

The completion of a four-year course in a liberal arts college, which should include the required subjects listed below, is strongly recommended, and students having the bachelor's degree will be preferred. It is expected that students planning to apply for admission after three years of liberal arts college work will have elected courses required by their college as satisfying the requirements for the bachelor's degree on a combined curriculum.

Fulfillment of the specific requirements for admission listed below does not insure admission to the college of medicine. From the applicants meeting the specific requirements, the admissions committee of the college of medicine will select those applicants who in their judgment appear to be best qualified for the study and practice of medicine.

Students planning to study medicine should bear in mind that the college work is required in addition to prerequisite sciences because it offers an opportunity to secure a well-rounded education, which is of special importance to those entering the medical profession. In the selection of applicants, preference will be given to those who give evidence of having obtained such a broad education. Students are, therefore, urged to take courses in history, psychology, economics, philosophy, and foreign languages. Of the latter, Latin and Greek are not only of cultural value but afford valuable practical foundations for scientific and medical expression.

The applicant should have graduated from an approved high school.

The college work as outlined below will suffice to meet the minimal academic requirements for admission to the college of medicine.

Applicants who have completed the required liberal arts courses five or more years prior to seeking admission to this college of medicine will be considered by the admissions committee only under exceptional conditions.

The college curriculum must include at least three years (ninety semester hours, exclusive of credit in required military or air science and in physical education) in an approved college of arts and sciences.

These ninety semester hours should include the following specific courses, but the requirements may be waived in part for students who have demonstrated unusual proficiency in advanced work in certain subjects:

**Rhetoric:** Satisfactory accomplishment in English composition and speech commensurate with the academic requirements for a bachelor's degree of the college attended.

**Literature:** Six or more semester hours of credit.

**Social Studies:** Six or more semester hours of credit in any of the following areas of study—economics, geography, political science, psychology, sociology, and cultural anthropology.

**Physics:** One year (ordinarily eight semester hours) of which one-fourth must be for laboratory work.

**Mathematics:** This must include college algebra and trigonometry, or advanced college mathematics where college algebra and trigonometry were completed in high school.

**Chemistry:** Courses including general inorganic chemistry, qualitative analysis, quantitative analysis, and organic chemistry with appropriate laboratory work in each (ordinarily totaling twenty semester hours), of which one-fourth must be for laboratory work.

**Biology:** One year (ordinarily eight semester hours). This requirement may be satisfied by a course of eight semester hours in either general biology or zoology and botany (not by botany alone), but in all cases one-half the credit must be for laboratory work.

**Vertebrate Embryology:** One semester (ordinarily four semester hours) which must include laboratory work.

If the student's interests lead him to take additional work in mathematics and science, courses in analytic geometry, calculus, physical chemistry, comparative anatomy, and genetics are recommended.

**Electives:** Additional hours to make a minimum of ninety, but not including credit for required military science and physical education. The admissions committee will evaluate the applicant on the basis of the courses chosen. Suggestions are languages (classical and modern foreign), history, philosophy, ethics, science, and advanced courses in required subjects.

To be considered for admission, an applicant must have attained a grade-point average of at least 2.5 for all college work undertaken. As the quality of work in premedical science is very basic to success in medicine, special attention will be given by the admissions committee to grades in science. The grade-point average is based upon the state University of Iowa's marking system in which a grade of "A" is equivalent to 4 points. Other marking systems will be evaluated by the office of the registrar and the committee on admissions of the college of medicine.

Preference will be given to applicants with high scholastic standing who are residents of Iowa, but consideration may also be given to

outstanding nonresidents. Applicants for admission are required to take the Medical College Admissions Test which is administered for the Association of American Medical Colleges. Applicants are requested to complete this test in May or October of the year preceding that for which they are applying for admission. Students may make arrangements to apply for this examination through the University Examination Service, 114 University Hall, state University of Iowa.

Personal interviews will be required. Applicants will be contacted for the appointment for required interviews.

Accepted applicants are required to make the required deposit after January 15.

After January 15, the deposit must be made within two weeks after notification of favorable action on the application. This deposit will not be refunded but is credited toward the first fee payment. If an applicant fails to make the payment within the time specified, the applicant forfeits a place in the entering class.

Not later than a date to be specified by the admission officer, all applicants must secure from the university health service a certificate that they have satisfactorily passed their physical examination, including an X-ray film of the chest and successful vaccination against smallpox. Appointments for the above examination will be made only after credentials have been reviewed by the director of admissions and must be made two weeks in advance. Address the Dean, college of medicine, regarding the time and place for the physical examination.

#### **Admission to Advanced Standing**

If their work preparatory to entering a college of medicine would have met entrance requirements of this college, students from other approved medical colleges may be admitted to advanced standing according to the following conditions:

Only applicants of high scholastic standing will be considered.

They must present certificates showing that they have satisfactorily completed courses equivalent to those already pursued by the class they wish to enter.

The committee on admission to advanced standing will decide in each case whether examinations in the various subjects will be required.

Applications will be considered only upon receipt of a statement from the dean or registrar of the college from which the applicant comes, showing the actual amount of time the student has spent in the study of medicine, the courses taken, and the grades received, together with a statement of the work preparatory to entering upon the course of medicine.

No advanced standing will be granted to students from other than approved medical schools. Students may be granted subject credit upon recommendation of the head of

the department concerned, for work taken in other than medical schools.

#### **Unclassified Students**

Applicants for admission to the college of medicine who are not candidates for a degree but who desire to register for special subjects, will be admitted to any lecture or laboratory course only upon complying with all the regular requirements for admission to such course or by action of the faculty upon recommendation of the professor in charge of the course. [Filed March 23, 1964, effective September 1, 1964]

#### **7. College of Nursing**

Applicants for admission to the undergraduate program in nursing must present a minimum of thirty semester hours completed in an accredited liberal arts college, including satisfaction of the following minimum requirements:

Rhetoric—University of Iowa transfer applicants must have satisfied the rhetoric requirements of the college of liberal arts at the University of Iowa.

Applicants from other institutions may qualify by completing six semester hours of credit in English composition and two semester hours of credit in speech.

Mathematics—All applicants must have completed two and one-half units of mathematics at the secondary school level or scored at a satisfactory level on the mathematics battery of the American College Tests, or completed a college course in mathematics comparable to, or higher than intermediate algebra (22:2).

Chemistry—All applicants must have completed four semester hours of college credit in inorganic chemistry. Applicants from the college of liberal arts at the University of Iowa should also complete a four semester hour course in organic and biochemistry. Applicants who transfer from other accredited colleges may, if necessary, complete the organic and biochemistry requirement after admission to the college of nursing.

All applicants are required to complete the American College Tests. Applicants who are graduates of associate degree or diploma programs of nursing must have successfully passed the examination for registered nurse licensure before admission to nursing courses.

To be considered for admission, an applicant should have attained a cumulative grade-point average of at least 2.2 on all college work undertaken. The grade-point average is based upon the marking system of the University of Iowa in which a grade of "A" is equivalent to four points. Other marking systems will be evaluated by the office of admissions.

Fulfillment of the specific requirements for admission listed above does not insure admission to the college of nursing. From the applicants meeting the minimum requirements, the admissions committee of the college of nursing will select those applicants who, in their judgment, appear to be best qualified.

The nursing admissions committee may require personal interviews of applicants.

Address all inquiries regarding admission to the Director of Admission, University of Iowa, Iowa City, Iowa. Applicants with no previous preparation in nursing may apply for admission to the college of nursing beginning July 1 of the year preceding their expected enrollment. Applicants with previous preparation in nursing will follow the same procedure except that they may be admitted either the first or second semester. The closing date for receiving applications shall be April 15 for first semester and November 15 for second semester.

[Filed July 18, 1962; amended July 22, 1965]

These rules shall become effective for the first semester, 1966.

#### *Practical Nursing Program*

Applicants between the ages of 18 and 25 years are required to have completed a high school education or the equivalent. Applicants over 25 years of age must have completed a tenth grade education. Admission is based upon high school records, required academic and physical examinations, and interviews. As the number of applicants that can be accepted for this program is limited, the Admissions Committee will select the applicants that appear to be the best qualified for work as practical nurses.

### **8. College of Pharmacy** **General Basis for Admission**

Fulfillment of the specific requirements for admission does not insure admission to the College of Pharmacy. From the applicants meeting the specific requirements, the Admissions Committee will select those applicants who in their judgment appear to be best qualified. Applicants for admission to Pharmacy should have graduated from an approved high school or have an equivalent amount of training.

#### **College Work**

The college work as outlined below will meet the minimum academic requirements for admission to the College of Pharmacy. The minimum should include thirty-two semester hours of college level work exclusive of credit in Military and Air Science and Physical Education. The thirty-two semester hours must include:

**Communication Skills.** Applicants must have demonstrated satisfactory achievement in Communication Skills according to the requirements of the College of Liberal Arts at the state University of Iowa. Applicants from other institutions may meet this requirement by presenting six semester hours of credit in English Composition and Rhetoric and two semester hours of credit in Speech or an eight-semester-hour year course in Communication Skills.

**Inorganic Chemistry and Qualitative Analysis,** eight semester hours.

**College Mathematics,** eight semester hours.

**Physics or Zoology,** eight semester hours.

Students from other institutions may substitute a comparable eight-semester-hour course in Biology in lieu of Zoology.

**Military or Air Science (if available)** 0-2 semester hours.

Students who present minor deficiencies in meeting the above requirements may be admitted to the College of Pharmacy upon the recommendation of the Dean of Admissions and the College of Pharmacy.

#### **Scholarship and Application Deadline**

To be considered for admission to the College of Pharmacy, students must have earned a 2.0 or C average on all collegiate work undertaken. The minimum grade-point average of 2.0 is based on the state University of Iowa's marking system in which the grade of "A" is equivalent to four points. Applications for admission and the required official transcripts should be filed before March 1 for the class to enter Pharmacy in September.

#### **Required Tests**

Applicants for admission are required to take the American College Testing Program test.

#### **Current Requirements**

Applicants who have completed work in a college of pharmacy accredited by the American Council on Pharmaceutical Education may if their college academic average is acceptable be admitted and granted advanced standing toward the degree of Bachelor of Science in Pharmacy.

#### **9. College of Liberal Arts**

Applicants for admission to Liberal Arts must meet the regulations that are common to the three state institutions in Iowa as listed in this bulletin as Part I, Sections A, B, and C.

#### **10. College of Education**

Students at the University desiring professional work in Education are registered in the College of Liberal Arts or the Graduate College. Requirements for permission to take teacher-training courses are listed in the University Catalogue.

### **B. IOWA STATE UNIVERSITY OF SCIENCE AND TECHNOLOGY**

#### **1. Undergraduate Students**

A minimum of one unit of algebra is required for admission to all curricula. A non-high school graduate, in addition to meeting standards in Section I above, must be at least 17 years of age and have an unqualified recommendation from his high school principal. Requirements for admission to the several Colleges are given below.

**a. College of Agriculture.** A minimum of one and one-half units of algebra is required of students entering any four-year curriculum. In addition, the curricula in agricultural journalism, forestry, industrial education, and

landscape architecture require one unit of geometry. Students who have not completed all of the required mathematics courses may take geometry or third semester algebra at Iowa State University. The requirements for admission to agricultural engineering are the same as for the college of engineering.

**b. College of Engineering.** One unit of geometry and one and one-half units of algebra are required. Students who have not completed all of these courses may take geometry or third semester algebra at Iowa State University.

**c. College of Home Economics.** Two units of mathematics are required. One of the units must be algebra. The other unit may be algebra, geometry and/or trigonometry in any combination. Students who have not completed all of the required mathematics courses may take geometry or third semester algebra at Iowa State University.

**d. College of Sciences and Humanities.** For the curricula in Sciences and Humanities and Chemical Technology one and one-half units of algebra and one unit of geometry are required. Students who have not completed all of these courses may take geometry and third semester algebra at Iowa State University. For the curriculum in Physical Education for Men one unit of algebra is required.

**e. College of Veterinary Medicine.** Applicants for admission to the college of veterinary medicine must present one and one-half units of algebra and one unit of geometry from an approved high school and a total of not less than ninety quarter (sixty semester) credits from an approved college or university. The college credits must include:

- English ..... 12 qr. crs. (8 sem. crs.)  
Must include 3 qr. crs. (2 sem. crs.) of  
speech-making (Sp. 311 or equivalent)
- Chemistry ..... 20 qr. crs. (14 sem. crs.)  
(General 12, Organic 8)
- Mathematics ..... 9 qr. crs. (6 sem. crs.)  
(Algebra & Trig.)
- Physics ..... 12 qr. crs. (8 sem. crs.)
- Biological Science .. 14 qr. crs. (10 sem. crs.)  
(Zoology 8, Botany 3, Genetics 3)
- American Government 3 qr. crs. (2 sem. crs.)
- Electives ..... 20 qr. crs. (12 sem. crs.)
- Total ..... 90 qr. crs. (60 sem. crs.)

A course in library orientation is required for graduation and should be included in the preveterinary program.

Preprofessional students at Iowa State University enroll in either the college of agriculture or the college of sciences and humanities. A preveterinary student at Iowa State University may elect a three-year preveterinary program which when combined with the veterinary curriculum will lead to a Bachelor of Science degree in the college of agriculture or in the college of sciences and humanities.

All preveterinary students must have completed at least forty-five quarter (thirty semester) credit hours prior to filing an application for admission to the college of veter-

inary medicine. Applications must be filed with the director of admission and records (Room 104, Beardshear Hall) prior to March 1 of the year in which the applicant seeks admission. A transcript of all high school and college credits must accompany the application. All preveterinary requirements must be fulfilled by the time of filing or scheduled for completion by June 15 of the year in which the applicant seeks admission. A list of courses in progress at the time of filing or scheduled for completion by June 15 should accompany the application and transcript. Pre-professional college credits must average at least 2.25 on a four-letter marking system with "A" as the highest mark (4.0) and "D" as the lower mark (1.0). The preceding scholastic requirements are minimum and do not assure admission even though these requirements have been fulfilled.

Because of limited facilities, admission to the college of veterinary medicine is on a competitive and selective basis. A preadmission conference with members of the veterinary faculty or other persons designated by the dean is required. High school records, scholastic performance in preprofessional course studies, aptitude, character and personality are given special consideration in the selection of candidates. Other qualifications being equal, residents of the state of Iowa are given preference.

Admission to the college of veterinary medicine is granted annually at the beginning of the fall quarter only.

Any student who voluntarily withdraws from the college of veterinary medicine or who is dropped for cause, forfeits his standing and must make written application for reinstatement to this college thirty or more days prior to the opening of the quarter in which the student desires readmission.

These rules shall become effective with the beginning of the academic year 1967-68. [Amended November 18, 1965]

**2. Graduate College**

**a. Qualifications**

An applicant who is a graduate of an institution in the United States whose requirements for the bachelor's degree are substantially equivalent to those at Iowa State University, and who ranks in the upper one-half of his class, may be admitted to the Graduate College. Admission does not constitute acceptance as a candidate for a degree.

Admission to the Graduate College may not be granted to a graduate of an institution in the United States which is not accredited by a recognized regional association.

**b. Restricted Admission**

An applicant may be granted restricted admission upon the recommendation of the department head and approval of the Graduate Dean. Acceptance of credit earned under restricted admission and transfer to unrestricted admission requires recommendation by

the department head and the approval of the graduate committee.

Graduates of recognized universities located outside the United States may be granted restricted admission only.

### 3. Technical Institute

One unit of geometry and one and one-half units of algebra are required. Students who have not completed all of these courses may take geometry or third semester algebra at Iowa State University. Provided, however, that unconditional admission to the Technical Institute may be granted to students who are not in the upper one-half of their graduating class.

## C. STATE COLLEGE OF IOWA

### 1. Admission Policies for Undergraduate Students

A student must have filed an application for admission with the required transcripts and other supporting material, have met all conditions named in Part I, "Regulations Common to the Three Institutions", and been issued an admissions statement by the director of admissions and registrar before he is permitted to register in the college. In considering an application, consideration is given to scholarship, health, character, and personality. Individual students may be required by the Committee on Admission and Retention to come to the campus for interview and tests. Those who do not give reasonable promise of success as a college student may be denied.

**Teaching Curricula.** Application for approval in a teacher education program may be filed after a student has earned at least twenty-four semester hours credit. The student must pass such tests and meet such other standards as may be prescribed by a teacher education committee. For full approval, a student must have at least a 2.20 grade index at this college. The committee may grant provisional approval for students in exceptional cases, but may not grant full approval until all standards have been met. Normally a student will be expected to meet full approval by the beginning of the junior year if he wishes to complete requirements in the minimum time. Transfer students cannot earn full approval before the end of the first semester enrolled at State College of Iowa.

A student may, at the time of admission to the college, declare an intent to enter a teaching program and be assigned a teacher adviser from his first enrollment. The college must give special consideration to scholarship, health, character, personality, and quality of potential leadership of an applicant for a teaching curriculum. [Amendment filed and indexed November 21, 1961]

### 2. Admission Requirements for Graduate Students

A graduate of a college or university accredited by the National Council for the Accrediting of Teacher Education or by the North Cen-

tral Association of Colleges and Secondary Schools or a corresponding regional agency will be granted admission to graduate study if his application for admission has been approved by the registrar.

A graduate of a college or university that is not accredited may be granted conditional admission at the discretion of the registrar. Admission to graduate study does not guarantee admission to candidacy for an advanced degree.

## STATE HYGIENIC (BACTERIOLOGICAL) LABORATORY IOWA CITY, IOWA GENERAL REGULATIONS [Filed September 29, 1952]

### I. Specimens Examined

1. *Classification.* This being a public health laboratory, all specimens submitted to it must have a direct, or probable significance to the public health.

#### 2. *Who May Submit Specimens.*

A. *Physicians and others licensed in one of the healing arts.* Licensed physicians, osteopaths and other licensed practitioners may submit specimens needed for the control of Diphtheria, Typhoid fever, Tuberculosis, Undulant fever and in general any transmissible disease in which such tests are required by the Iowa state department of health.

B. *Veterinarians* (duly licensed) may submit specimens involving diseases of animals which are transmissible to man, if such examinations are required by the state department of health.

C. *State Department of Health* may submit specimens needed to carry out its fundamental responsibilities.

D. *Local Departments of Health.* Only specimens needed in special investigations will be accepted, i. e., we cannot undertake to receive specimens of a routine nature.

E. *Private Individuals.* Specimens submitted by private individuals will be accepted only for private water supplies and only when collected under conditions specified by the laboratory, and when accompanied by the appropriate fee.

### II. Charges

#### 1. *Specimens examined free of charge.*

A. *Communicable Diseases.* Specimens submitted relating to diseases communicable from man to man or from animals to man, provided such examinations are required by the rules and regulations of the Iowa state department of health.

### III. Specimens for Which Fees are Charged

1. Water specimens may be charged for at rates to be determined by the Iowa state board of regents subject only to any limitation imposed by law.

2. Specimens not covered by statute, by rules and regulations of the Iowa state department of health or as in III, one may be



examined and charged for at a rate commensurate with the actual cost involved.

STATE UNIVERSITY OF IOWA HOSPITALS  
OFFICIAL RULES AND REGULATIONS  
RELATING TO  
ADMISSION OF PATIENTS

[Filed September 29, 1952]

### I. Indigent Patients

A. The Quota System: At the beginning of each fiscal year the hospital administration computes the county quota of indigent patients that may be admitted for treatment to the University Hospitals. This is done in full accordance with section 255.16 of the 1950 Code of Iowa which provides that "... there shall be treated at the University Hospital during each fiscal year a number of committed indigent patients from each county which shall bear the same relation to the total number of committed indigent patients admitted during the year as the population of each county shall bear to the total population of the state according to the last preceding official census."

1. The 1950 Census of Population Report obtained from the U. S. Bureau of the Census is being used.

2. The quota is established after careful consideration of the amount of appropriated funds, the physical capacity of the hospital and the availability of trained personnel necessary for patient care.

3. If, after announcement of the quota at the beginning of the fiscal year, it becomes necessary to lower or raise it during the year's operation, the hospital administration reserves the right of so doing.

B. The commitment process: Chapter 255 of the 1950 Code of Iowa describes in some detail the machinery provided at the county level for the processing of commitment papers for indigent patients. The hospital administration accepts no responsibility for the legal performance of county officials nor for the determination of indigency nor for the determination of legal residency of committed patients.

1. Routine. In the normal routine of admitting an indigent patient, the hospital requires:

a. Commitment Form No. 11, signed and certified by a judge of a juvenile court or the signature of a judge of a district court which at the same time serves as a juvenile court. The Commitment Form No. 11 remains an acceptable document only for the fiscal year in which it is initiated with the one exception that it does remain effective into a new fiscal year if the patient is under continuous treatment during the transition from one fiscal year into the new. In this situation the commitment paper becomes void immediately upon discharge of the patient. The content of the above-mentioned form follows in full detail the description set forth in section 255.12 of the 1950 Code of Iowa.

b. Physician's Report No. 4, acceptably signed by only a doctor of medicine or osteo-

pathy. The hospital accepts without question the doctor's statement of need for hospitalization, as well as the doctor's evaluation of the patient's inability to pay for physician's services and hospital care.

2. Emergency: In cases of true emergency, which the Director of Welfare or the Overseer of the Poor is responsible for determining, the hospital will accept indigent patients without Commitment Form No. 11 and Physician's Report No. 4. The hospital insists, however, upon a guarantee, in telegraphic form, of the commitment by either of the above two authorities, as well as the opportunity of agreeing to the use of the hospital facilities prior to the assignment of an actual appointment.

C. The Admission: Any indigent patient directed to the University Hospitals in conformity with the policies described in sections A and B above will be admitted;

1. Providing, as outlined in section 255.1 the patient "... is pregnant or is suffering from some malady or deformity that can probably be improved or cured or advantageously treated by medical or surgical treatment or hospital care."

2. Excepting, as described in section 255.15 of the Code, if "... the presence of the patient in the hospital would be dangerous to other patients, or there is no reasonable probability that he may be benefited by the proposed treatment or hospital care."

3. Additionally, patients whose diagnosis is determined or accepted as being psychopathic, will not be admitted.

4. Additionally, patients whose diagnosis is determined or accepted as being active pulmonary tuberculosis, will not be admitted.

5. Finally, patients will not be accepted for diagnostic and therapeutic treatment by ancillary services only. Referrals must be to and through definite clinical departments.

The hospital administration holds that:

a. The determination of any of these factors rests with the admitting physician of the hospital and/or the admitting physicians of the interested clinical departments.

b. The determination of whether or not the patient shall be classed as in-patient or out-patient rests with the University Hospitals' physicians as provided in section 255.21.

c. It will attempt to discharge the responsibilities reflected in the establishment of the quota at the beginning of each fiscal year but it reserves the right to control the volume of patients on a day-to-day basis and, likewise, to indicate the preference for clinical types of illnesses based upon clinical departmental needs.

d. It accepts the full responsibility for all appointment schedules and the notification of incoming patients as to their date of admission and mode of transportation as approved by the local authorities.

e. It reserves the right to refuse admission



of nonemergent cases when the approved machinery for admission has been circumvented.

D. The Charge to Quotas: The hospitals' physicians who are delegated the responsibilities of admitting shall ascertain the clinical service to which the incoming patient is to be admitted. This is done after review of the referring physician's medical report but not necessarily in accordance with this report.

1. The first admission of any patient during a fiscal year shall be charged to the quota of the county initiating the Commitment Form and Physician's Report. Subsequent admissions during the same fiscal year by the same patient shall not be charged to the county's quota.

2. Any admission to Obstetrics, Orthopedics, or Otolaryngology for cleft palate procedures may be accomplished without charge to county quotas as provided in section 255.16 of the 1950 Code. These patients if subsequently seen in any other clinical department then become a charge to the county's quota.

3. The charge to the county's quota is made at the time of the admission of the patient and not at the time of the receipt of the commitment forms.

4. The hospital administration accepts the responsibility for issuing a monthly statement of quota "usage" to each Iowa county. This report will list the name of the patient, the clinical department in which the patient was treated, the date of admission, the residency of the patient, and the current status of the county's quota balance.

## II. Excess Quota Patients

A. Section 255.16 of the Iowa 1950 Code refers to the admission of patients from counties which have exceeded the established County Quota plus ten percent, as determined by the hospital administration at the beginning of each fiscal year.

B. Admitting policies for this category of patients are identical to those applicable to indigent patients. See I (B) and I (C) above.

## III. Clinical Pay Patients

A. The University Hospitals provide a limited number of accommodations for patients of moderate financial means as allowed under section 255.19 of the Iowa 1950 Code.

B. All applications for admission under this patient category are initiated by the patient's local referring physician through submission of Hospital Form No. 63. In this form the referring physician indorses the medical need and the patient's inability to pay private rates for hospital service and physician's service. Hospital Form No. 63 is directed to the physician upon his request and appointments are made, if possible, upon receipt of the physician's medical report and properly indorsed application.

1. The hospital will accept applications from nonresidents of Iowa.

2. The selection of patients to be admitted in this category is based upon the hospital's ability to care for patients additional to those under the indigent program, and also upon their value as interesting clinical cases.

C. The hospital will not provide transportation for this category of patient.

D. The hospital will not provide accommodations outside the hospital for ambulatory patients.

E. At the time of registration the patient is interviewed and asked to pay the estimated cost of one week's hospitalization, and, during this interview, he is asked to explain such insurance coverages as might be applied to his hospital bill or physician's bill and proper assignments of such insurance policies are obtained.

## IV. County Clinical Pay Patients

A. The University Hospitals provide a limited number of accommodations for patients of moderate financial means as allowed under section 255.19 of the Iowa 1950 Code.

B. All applications for admission under this patient category are initiated by the patient's local referring physician through submission of Hospital Form No. 63. In this form the referring physician indorses the medical need and the patient's inability to pay private rates for hospital service and physician's services. However, in variance with the procedure outlined under section III above for clinical pay patients, the hospital requires the indorsement of the form by the Director of Social Welfare or the Overseer of the Poor of the county in which the patient resides. Hospital Form No. 63 is directed to the physician upon his request and appointments are made, if possible, upon receipt of the physician's medical report and properly indorsed application.

1. The selection of patients to be admitted in this category is based upon the hospital's ability to care for patients additional to those under the indigent program, and also upon their value as interesting clinical cases.

C. The hospital will not provide transportation for this category of patient.

D. The hospital will not provide accommodations outside the hospital for ambulatory patients.

E. In variance with section III (E) above, the patient is not required to pay a deposit in advance of his hospitalization inasmuch as the cost is guaranteed by the local county. However, during the initial interview he is asked to explain such insurance coverages as might be applied to his hospital bill or physician's bill, and proper assignments of such insurance policies are obtained.

## V. Private Patients

A. The University Hospitals provide a limited number of accommodations for patients able to pay the full cost of hospital service as well as the charges for physician's services.

Provision for these accommodations is specified in section 255.19 of the Iowa 1950 Code.

B. All requests for admission under this patient category are initiated either by the patient's local referring physician or through direct contact between patient and a clinical member of the faculty of the college of medicine.

1. The selection of patients to be admitted in this category is based upon the availability of hospital accommodations and the scheduling and staffing problems in the particular clinical department.

2. The hospital and the clinical department will accept both residents and nonresidents of Iowa.

3. The type of patients selected for inclusion in this category follows the limitations set forth for indigent patients under section I (C), items 1, 2, 3, 4 and 5.

C. The hospital will not provide transportation for this category of patient.

D. The hospital will not provide accommodations outside the hospital for ambulatory patients.

E. At the time of registration, the patient is interviewed and given a full explanation of the estimated costs of hospital and professional services likely to accrue during his hospitalization. During this interview he is asked to explain such insurance coverages as might be applied to either charge area and the proper assignments of such insurance policies are obtained. Agreement is reached with the patient regarding the method of completely discharging his potential indebtedness.

#### VI. State Services for Crippled Children

Indigent patients under 21 years of age who have a crippling condition included in the approved state services for crippled children plan, but who are unable to obtain legal commitment under the law, may be admitted and treated at the University Hospitals with the expense paid from the federal funds administered by this service. Application will be made to the Director of the State Services for Crippled Children, state University of Iowa, Iowa City.

#### VII. State Institution Patients

In accordance with section 255.28 of the

Iowa 1950 Code, patients may be admitted from the State Board of Regents and the State Board of Control institutions to the University Hospitals for medical care. Form No. 71 authorizing treatment will be completed and forwarded to the University Hospitals. Transportation to and from the University Hospitals will be provided by the patient's institution.

#### VIII. Aid to the Blind

Eligibility for this category is determined by the division of public assistance of the state of Iowa. The approved application, together with a physician's report, is sent to the University Hospitals and an appointment is made for the patient.

#### IX. Sterilization Cases

Upon receipt of a letter from the state board of eugenics, authorizing sterilization, an appointment date is set for the patient. The patient may be admitted as indigent, clinical pay, county clinical pay, or private, dependent upon the patient's circumstances as outlined under those categories above.

#### X. Ward Special

All cases of diagnosed venereal disease with the specific exception of gonorrhoea fall within this category. The procedure for admission under this category is identical with section IV above with the exception of:

(1) Clinical Pay Form No. 63 need not be signed by the Director of Social Welfare or the Overseer of the Poor.

(2) The cost is guaranteed by the Public Health Service.

#### XI. Veterans

Veterans are admitted and treated at the University Hospitals either as a clinical pay or private patient as outlined above, dependent upon the authorization received from the Veterans Administration.

#### XII. University Students

University students are treated at the University Hospitals as clinical pay patients as outlined above. They are referred by Student Health Service who guarantees a portion of the cost of hospitalization as outlined in their policies. The student is expected to pay the remainder, if any.

## SOCIAL WELFARE, STATE DEPARTMENT OF

### PREFACE TO COMPILATION OF RULES AND REGULATIONS

By virtue of the authority which established the social welfare department as described in chapter 234, 1954 Code of Iowa, the state board of social welfare has adopted and promulgated the following rules and regulations and outlined such policies as it considered necessary to carry out the provisions and purposes of this chapter as it relates to serving the public.

The legal basis for adopting the rules and regulations of the public assistance and child welfare programs is established by the social security law and the laws of Iowa.

### PUBLIC ASSISTANCE PROGRAMS OLD-AGE ASSISTANCE [Chapter 249, Code of Iowa]

#### 249.4 Investigation

(a) In establishing eligibility for assistance, the welfare worker shall make a record of

the sources of information. It is not necessary to make documents a part of the record, but pertinent parts of the record or documents shall be quoted and the place where the record or document can be found shall be noted together with the worker's remarks or comments regarding their authenticity.

**249.5 Persons Entitled to Assistance**

(a) Every aged person who meets the eligibility requirements shall be entitled to assistance in old age.

**249.6 (1) Residence**

(a) Residence is that place in which a person is living for other than a temporary purpose. Residence once acquired, continues until the individual abandons it and acquires residence elsewhere. Temporary absence is the absence of a person during which time he intends to return or because of a change in intent, he does return. A temporary absence from the state shall not be deemed to interrupt residence requirements. A person who at any time has fulfilled the residence requirements, but later leaves the state, may qualify for assistance on return to the state regardless of the period of time he was absent. [Amendment filed December 17, 1957]

**249.6 (2) Age**

(a) Where acceptable information establishes the year in which the individual was born, but the month and day cannot be determined, July 1 shall be used as the anniversary date in establishing age.

**249.6 (3) Citizenship**

(a) Twenty-five years continuous residence shall be immediately preceding the application.

**249.6 (4) In Public Institution**

(a) A public institution, for the purpose of administration of public assistance, is defined as a place which provides shelter or care to persons and is managed or controlled, in whole or part, by or through any public instrumentality, official or employee acting in an official capacity.

(b) When a recipient is temporarily hospitalized in a convalescent ward or a unit of a county home during which time he maintains his previous living quarters, assistance shall not be canceled but should be suspended. If he is released within ninety days, the welfare worker shall determine the number of assistance warrants which should be released to meet any fixed living expenses which accumulate during his hospitalization, and recommend that the rest of the warrants be canceled.

(c) A medical institution is a public hospital, licensed by the state department of health for treatment for other than tuberculosis or mental disease.

(d) A patient is one who is in a medical institution and is receiving planned medical care. A patient must have freedom of choice

to enter and leave the medical institution, except that his choice of leaving may be limited by a requirement that medical care be completed before release. [Amended June 8, 1961]

**249.7 Amount of Grant**

(a) Need exists when an applicant lacks sufficient income and resources to meet established requirements.

(b) The following consumption items, which are considered essential for all individuals, should be included as requirements in all assistance plans:

**Group I (Personal and Household)**

<i>Personal Allowances</i>	<i>Household Allowances</i>
Food	Shelter
Clothing	Heating Fuel
Miscellaneous and Recreation	Lights
Personal Care and Supplies	Cooking Fuel
Health Allowance	Water
(OAA-AB)	Supplies and Replacements

Exception: Certain items mentioned above may not constitute a need in instances where the individual is in a nursing home, boarding home, etc.

**Group II (Special Considerations)**

<i>Continuous Specials</i>	<i>Temporary Specials</i>
Telephone	Medical Appliances
Insurance	Special Examinations
Transportation	Dental
Education	Special Clothing Needs, etc.
Board and Room	Medical Care*
Nursing Care	
Restaurant Meals	
Laundry, etc.	

\*Medical care is defined as medical or remedial services for which payment may be made by the department and includes care in the home, office or clinic, provided or prescribed by medical doctors, osteopaths, chiropractors, podiatrists, optometrists and dentists licensed to practice in the state of Iowa, or by members of such professions in other states, provided such practitioners are duly licensed in that state. Such services shall include prescribed drugs, medications, laboratory, diagnostic, therapeutic and dental services; and such other services and supplies as may be authorized by practitioners within the scope of their practice and the limitations of the plan. [Amended October 20, 1958; April 22, 1959 and April 25, 1960; January 22, 1963]

**Types of Service for which Payment may not be made through the Medical Program**

No payment will be made for:

1. Hospitalization or any supplies, services or procedures performed in the hospital including surgery, drugs, laboratory, x-rays, etc. Exception: Payment will be made (1) for services rendered in the out-patient department of a hospital (when the patient is not hospitalized over night), including x-rays, laboratory services and drugs, (2) to practi-

tioners, without the necessary equipment, who refer their patients to the hospital for laboratory tests and x-rays on an out-patient basis.

2. Items which may be provided in the assistance plan. [Amended April 25, 1960]

3. Remedial Eye Care. (Provision for such care is made through another program.)

4. Medical or remedial services reasonably available through other publicly supported programs or from a private agency.

5. Medical or remedial care expense which may be met through various types of health insurance.

Recipients are eligible for medical and remedial care furnished in accordance with the department's quality, quantity and cost standards when the required care is not reasonably available to them from other sources without charge.

The quality, quantity and cost standards shall be developed by the department's technical and professional staff with the help and advice of professional committees.

In discharging the duties required by this rule, the state board, with the advice and help of technical and professional advisors, shall develop standards based on the following principles.

1. Free choice by recipients of practitioners or druggists.

2. Protection of the rights and dignity of the patient, including confidential information regarding the patient's illness.

3. Provision for care, within the limitations of the program, of a quality and adequacy consistent with good professional practice, as economically as is compatible with good standards of care and fair compensation to the providers of care.

4. Determination of financial eligibility by the county department of social welfare.

5. Eligibility for public assistance entitles recipients to medical or remedial care provided through this program.

6. An established and continuous working relationship between the department of social welfare and the county and state committees.

7. Consideration of plans for medical and remedial care as a part of the over-all plan for assistance and service.

8. Co-ordination of medical and remedial services provided through public assistance funds with medical and remedial care reasonably available through other public and private resources.

Prior authorization by the county department is required for all services rendered by practitioners.

Payment for medical and remedial services shall be made directly to the vendor.

The department reserves the right to remove from participation in the program any practitioner or vendor who has violated the department's requirements for such participation.

The amount of any payment made directly to the vendor by the recipient, relatives or from other sources, including General Relief, shall be deducted from the established cost standard for the service provided, to establish the amount of the payment to be made by the department. Exception: This rule is not applicable to (1) supplementation from any source other than a responsible relative to meet the cost of certain services for which no payment is made by the department (oxygen, psychiatric treatment, physical therapy), when such services are prescribed by the recipient's physician and provided in a licensed custodial or nursing home; (2) supplementation from general relief for nursing care provided by a licensed hospital. [Amended December 13, 1960; November 15, 1962]

Additional special needs as have been outlined should be included when specified circumstances are present in a particular case and an explanation provided in the narrative. While the extent of need is determined by an evaluation of the individual's requirements and resources available to meet such requirement, the grant is related to the deficit as a whole and not to a single item of expense. The right of individuals to expend their assistance as they wish is recognized. Any actual or implied control over the use of the grant will cause it to be regarded as restricted.

Recipients of public assistance should enjoy the same rights in connection with carrying on their activities and discharging their responsibilities as other members of the communities.

(c) No grant of less than \$1.00 shall be made. If the deficit is less than \$1.00 and the applicant can secure no resources to meet this small deficit, the county should recommend the minimum of \$1.00. [Amended January 18, 1961]

#### 249.8 Income

(a) All assured income, whether in cash or in kind, shall be considered in establishing that need exists and in determining the amount of the grant.

(b) Only income which is actually available or forthcoming is considered.

(c) All income shall, as far as possible, be based on current monthly income.

#### 249.9 Real and Personal Property

(a) Ownership of real or personal property that is already meeting one or more requirements or supplying a source of income for the family or individual is not necessarily available for a conversion into cash. Consequently, property should be considered from the standpoint of its conversion and maximum use in the interest of the welfare of the family or individual.

(b) Real property, other than the homestead, is a resource which should be liquidated unless due to particular circumstances of the family, the conservation of such property

would result in a greater economy and resource to the recipient than would immediate liquidation.

(c) Out of state real property owned by an applicant or a recipient shall be subject to the same considerations in determining an individual's eligibility for assistance as for real property owned within this state. In determining eligibility, assessed value of out-of-state real property shall be adjusted to the same assessment to value ratio (sixty percent) as applies in this state. [Filed February 28, 1956; Amended June 26, 1957]

(d) Movable houses, although legally classified as personal property, shall be considered in the same category as real estate if the property is used as a homestead.

(e) All personal property should be valued at its present net cash value in order to determine eligibility. When the present cash value of a security, other than life insurance, owned by an applicant or, a recipient of assistance cannot be determined, the face value shall be used in determining eligibility.

(f) In determining eligibility, the balance owing on a real estate contract to an applicant shall be considered in the personal property limitations category.

When an applicant is in immediate need of assistance, but is ineligible because he owns a real estate contract in excess of the statutory personal property limitations that cannot be immediately liquidated to obtain funds to meet his needs without undue financial sacrifice, the department may, after investigation, recommend that such person be granted assistance upon condition that he first assign all of such property to the state board, which assignment shall be subject to an equity in such person equal to the statutory amount or value which he would otherwise be entitled to retain.

Upon approval by the state board of such assignment, the state department shall proceed to liquidate such real estate contract for the best price obtainable, and shall first apply such proceeds toward any payment that might be due the assignor-recipient therefrom, the balance shall be paid into the old-age assistance revolving fund as reimbursement for assistance or other benefits paid to said assignor-recipient.

When a recipient sells property on contract, the sale must be approved by the state board and the contract assigned to the state department of social welfare. [Filed February 28, 1956]

When an individual, who has been granted assistance, desires to liquidate the real property in which he or his spouse has title, a Report on Proposed Sale or Trade of Real Estate, AA-4124-1, shall be completed by the county welfare worker and submitted to the state department for final approval of the transaction. The same procedure would be applicable when a life estate is transferred. (The value of a life estate is computed by taking four percent of the net value of the property, *at the*

*time of transfer*, times the life expectancy of the individual.) To secure a release of the state's lien for old-age assistance paid and to assist in clearing title to the property sold, the recipient shall reimburse the state department of social welfare, from the proceeds of the sale, the amount of old-age assistance advanced to himself or his spouse or a portion thereof which can be covered by the proceeds. However, if the real property sold was (1) the homestead of the recipient, and he requests permission to use the proceeds from the sale for the purchase of a new homestead, the release of lien on the original homestead may be granted upon the approval of the state department; (2) other than the homestead the recipient may request permission, *at the time of sale*, to use the proceeds from the sale, or a portion thereof, for necessary expenditures on his homestead. In such instances it will be the responsibility of the welfare worker to *determine the need* for such expenditures and *establish that the expense* incurred is reasonable. This information shall be recorded on the Report on Proposed Sale or Trade of Real Estate. The release of lien may be granted by the state department upon the recommendation of the county board of social welfare.

(g) Transfer of property for a reasonable consideration in the form of cash, payment of legally recognized debts contracted prior to the date of application or support furnished subsequent to the date of transfer, equivalent to the value of the property at the time of transfer, does not create any presumption of ineligibility.

A person who transfers or encumbers real property for the purpose of qualifying for assistance, or for the purpose of preventing reimbursement by the state is not eligible to receive assistance. [Filed June 23, 1955]

*Note:* A person found ineligible in this respect may become eligible by regaining the property transferred or by acquisition of property of equal value to that which was transferred. Eligibility may also be established by granting the state department of social welfare a lien equal to the value of the recipient's equity in the property *at the time of transfer*. [Filed August 25, 1955]

Determination of Intent to Transfer—In order to determine intent, the county worker must seek all available information regarding the date of the transfer, the type and value of the property transferred, the consideration received and the statements of disinterested or remotely interested parties regarding the purpose of the transfer. These facts must then be evaluated by the county worker and a decision reached relative to the purpose of the transfer.

(h) Suspension of Taxes—The tax assessed to the recipient, who holds only a partial interest in real estate, should not be suspended as it would not be practicable to suspend one portion of the tax and collect the other portion. If, however, the other person or per-

sons who hold title jointly with the recipient petition for the suspension of the tax assessed to them under section 427.8 of the Code of Iowa and such petition is approved, the Tax Suspension Notice, PA-5525-1, should be filed to have the portion of the taxes suspended which are assessed to the individual holding the life estate and the taxes should be suspended under section 427.9 unless the holder of the life estate is compelled to pay the taxes or lose his interest.

It is only necessary to file the Tax Suspension Notice once during the continuous receipt of old-age assistance unless the recipient's interest in the property changes. Upon the death of an old-age assistance recipient, upon cancellation of assistance or upon a change in the recipient's interest in the property, the county auditor shall be notified by the county director of social welfare. The Tax Suspension Notice may be used for this purpose after checking the explanatory portions of the form. If the canceled recipient is later reinstated, a new Tax Suspension Notice, PA-5525-1, should be forwarded to the county board of supervisors.

In all instances, homestead tax credit should be requested for property which is used as a homestead even though the taxes assessed to such property have been suspended.

(i) The value of personal property shall be the cash or loan value available on such property. If the value of personal property is in excess of the limitations, the individual is not eligible for assistance.

To re-establish eligibility, excess personalty of the recipient may be (1) remitted to the state department; (2) used, during a period payments are in suspension or following cancellation, for general living expenses or other reasonable expenditures; (3) used to purchase or apply on the purchase of a homestead; (4) used, with the permission of the state department, to reduce a mortgage on his homestead; (5) used to purchase a burial contract within thirty days of receipt of such personalty. Items (3), (4) and (5) are applicable in the case of an applicant. To establish eligibility an applicant may also use excessive personalty for general living expenses or other reasonable expenditures.

Prior arrangements for funeral expenses, made by an applicant for or recipient of assistance, must be in the form of a written, irrevocable contract, which provides for placing the funds so invested with a disinterested person (nonrelative), firm or institution, beyond the control of the recipient. The total amount of the contract may not exceed \$500. If interest is paid on the contract it shall be considered as income and taken into consideration in determining the amount of the grant.

Assignment—(Notes, Bonds, Interest in Estates and Other Securities)—Any personal property, other than insurance, owned by an applicant for or recipient of old-age assistance may be assigned to the department of social

welfare only when the security cannot be liquidated at the present time, but has future potential value in excess of personal property limitations or when the personal property consists of an unrecorded purchase contract for real property.

Except when assigning an unrecorded purchase contract, the applicant or recipient may (1) request the department to accept assignment of only that portion of the property which will reduce the unassigned property to within eligibility requirements, or (2) request the department to accept assignment of the total assets with an agreement that the department shall refund to the recipient, such portion of the proceeds which, when added to other personal property assets on hand, would not affect his eligibility for assistance.

If personal property was exempted at the time assistance was granted because the total value did not exceed the maximum limitations and such property is later liquidated, the proceeds from liquidation even though received in monthly payments, shall be exempt from use for general living expenses provided such proceeds plus other personal property holdings do not at the time of liquidation or in the future exceed the maximum limitation. If the proceeds from liquidation exceed the limitations the recipient is not eligible for assistance until the amount in excess of the maximum exemption has been (1) remitted to the state department; (2) used, during a period payments are in suspension or following cancellation, for general living expenses or other reasonable expenditures; (3) used to purchase or apply on the purchase of a homestead; (4) used, with the permission of the state department, for payment of a mortgage on his homestead when the individual is in danger of losing his homestead because of an encumbrance; (5) used to purchase a burial contract within thirty days of receipt of such personalty. Items (3), (4) and (5) are applicable in the case of an applicant. An applicant may also use excessive personalty, prior to the receipt of assistance, for general living expenses or other reasonable expenditures.

Liquidation of Personal Property Assigned to the State Department of Social Welfare—Notes, Bonds, Interest in Estates and Other Assigned Securities. Assigned property shall be held in trust in the state department of social welfare until liquidated. The county welfare worker should check periodically to determine whether the property can be liquidated and so notify the state department. A check should be made when a reinvestigation of continued need is completed and any other time it is deemed advisable. Upon approval of the recipient, the property will be liquidated at such time as it has a market value.

If the assigned property is liquidated during the lifetime of the recipient, the state department shall first be reimbursed for any expense assumed in protecting the value of the property. From the balance, the department will (1) refund to the recipient, upon

county recommendation, an amount to which he would be entitled without affecting his eligibility for assistance; (2) refund to the recipient an amount sufficient to cover the cost of repairs on the homestead, on receipt of a recommendation from the county department setting forth the verified expenditures required; (3) reimburse the department of social welfare for assistance issued; and (4) any remaining balance shall be refunded to the recipient, thus furnishing him with resources to support himself. [Amended February 17, 1959]

If the assigned property is not liquidated or the refund warrant is not issued until after the death of the recipient, the proceeds will be used (1) to reimburse the department of social welfare for any payments made in protecting the value of the property, (2) to reimburse a person or persons who have established an equitable interest in such property and such interest was acknowledged at the time assignment was made, (3) to reimburse the department of social welfare for assistance paid, and (4) any balance remaining shall be released to the estate or the heirs of the recipient. [Amendment filed December 2, 1957]

(k) The monthly requirements of an applicant will not be affected by ownership of paid-up insurance. However, when the cash value of the paid-up insurance plus other personal property holdings, is in excess of personal property limitations, the applicant has a resource which disqualifies him for assistance unless an adjustment is made.

The cost of premium payments on a large insurance program, regardless of whether the client or a relative pays the premium, would require the use of income which should usually be available for general living expenses. However, unwillingness on the part of the client to adjust a premium paying policy, which has a face value in excess of the amount on which premiums can be allowed, will not cause ineligibility unless the cash value plus other personal property holdings is in excess of personal property limitations permitted under the various programs.

When an applicant is insured in a group policy issued during his employment and the employer is continuing to pay the premiums after termination of employment, the insured has little jurisdiction over the continuance of the insurance coverage. This type of policy, in most instances, has no cash value, no non-forfeiture value is available if premiums are discontinued, and the premium payments are usually small. Because of these factors, it does not seem wise to generally suggest an adjustment in the policy, however, there may be a few cases where the advisability of an adjustment is indicated. All facts regarding the policy, i.e., amount of premiums, face value, premium payer, beneficiary, etc., and the recommendation of the county department as to retaining such insurance in its

present status should be included in the narrative report.

(1) If the value of a mobile home owned by the applicant or recipient when added to other personalty causes the total value of personal property to exceed limitations, the applicant or recipient shall offer to transfer title of the mobile home to the state board. This will be required as a condition of granting assistance unless the applicant or recipient chooses to dispose of the mobile home. Willingness on the part of the applicant or recipient to transfer title satisfies the eligibility requirement in this respect. Decision will be made by the state board. If no transfer of title is required, eligibility will not be affected and the value of the mobile home will be disregarded in subsequent determinations of the value of personal property. [Filed August 6, 1963]

#### 249.11 Applications

(a) Each applicant shall be advised, during the intake interview, that he may expect to receive assistance or a notice of rejection within sixty days from the date of filing his application. He shall also be advised of his right to request a fair hearing if the time limit is exceeded.

(b) The application process in the county should be completed within a thirty day period. The term "application process in the county" includes the period from the date of application to and including the date action is taken and the application and change of status are mailed to the state office.

(c) When a decision is made on an application, a revision in the amount of assistance, or any other action taken by the agency, the "Notice of Decision" shall carry a statement as to the right of appeal.

(d) At such fair hearings the appellant shall be given the opportunity to produce and discuss testimony; to produce and question witnesses, to review the basis of the order or determination about which he is aggrieved; to examine all documents and records and to offer evidence in explanation or rebuttal of the evidence introduced against his claim.

(e) All evidence submitted at the hearing shall be recorded by a competent reporter. The evidence shall be transcribed by this reporter and furnished to individual members of the state board. A copy of the transcript shall be available for perusal by the appellant if requested.

(f) The decision of the state board shall be based solely upon such other documents as are referred to at the hearing and which the appellant has had the opportunity to inspect.

(g) The decision shall be made and entered into the board minutes within ninety days after the hearing.

#### 249.13 Assistance Grant

(a) All warrants will be mailed by the state department of social welfare to the recipient at his last address, or to his legally appointed



guardian. No warrant will be mailed to a general delivery address. If the recipient has moved from the address to which his warrant is mailed, the postmaster shall return the warrant to the state department of social welfare, where it will be held until the new address is received.

(b) A reinvestigation or review of old-age assistance cases shall be made at least every twelve months.

#### 249.17 Receipt of Assistance

(a) If the old-age assistance new approval or reinstatement grant is received in the state department of social welfare on or before the fourteenth day of the month, the first of the current month shall be the effective date. However, if received in the state department after the fourteenth but on or before the last day of the month, the first of the following month shall be the effective date.

(b) Assistance may be effective the first day of the month in which the applicant reaches his sixty-fifth birthday.

#### 249.18 Funeral Expense

It is expected that the estate of a deceased recipient shall pay for merchandise and services connected with the decedent's burial up to an amount not in excess of \$350.00. In the event the estate of the deceased has insufficient assets it is expected that relatives and friends may wish to pay the burial expense, or such parts thereof as they may be able. Should it occur that neither the deceased's estate nor relatives or friends are able to pay the burial expense, then the state assistance funds may be so applied. In the event there are not such other funds available to pay such burial expenses, then upon proper application to the county board of social welfare, such burial expenses as are hereinafter set out up to the amount of \$225.00 may be paid on approval of the state department of social welfare from the old-age assistance fund.

(a) *State Payment*—Usual funeral expenses up to the amount of \$175.00 for the burial of a deceased recipient of old-age assistance may, at the discretion of the county board, with the approval of the state department, be paid from the old-age assistance fund and when so allowed, shall include the following when not available from the resources of the deceased, or relatives or friends.

- (1) Preparation and embalming of the body.
- (2) Providing a standard burial casket. Minimum specifications for same should generally include construction of good quality, finished wood, covered with crepe or other material of comparable quality, fully upholstered and fully lined, trimmed with six short or two long bar handles; or casket of comparable value and appearance.
- (3) Providing a pine or other wood outside burial case.
- (4) Providing a hearse for all necessary transportation of the body within a radius of twenty miles of the place of death.

(5) Arranging for funeral rites at a funeral home, home of the deceased, fraternal or lodge hall, church or other proper place.

Further, in the absence of assistance from relatives or friends or assets in the decedent's estate to apply toward such burial, the county board, with the approval of the state department, may authorize an additional \$50.00 or any part thereof when such additional sum is reasonably necessary to provide burial lot, grave opening or clothing for the decedent. In any event, burial expense paid by the state from assistance funds shall not exceed \$225.00 as hereinabove provided when all such burial expenses are paid by the state.

(b) *Payment by Relatives or Friends or from Estate of Deceased Recipient*—Burial expenses hereunder may not exceed \$350.00 when paid from the estate of the deceased recipient or when relatives and friends of the deceased provide extraordinary expenses to supplement the usual burial expenses up to \$175.00 paid from the state old-age assistance fund.

Extraordinary expenses hereunder which may be paid by relatives, friends or the decedent's estate shall include:

1. Steel or concrete vault.
2. Oversize casket required because of the excess size or deformity of the body.
3. Transportation of the body for a distance of more than twenty miles from place of death.
4. Cremation of the body at the request of the decedent or relatives.
5. Services of a second funeral director in another community in connection with interment.

However, in computing the total burial expense limitation of \$350.00, such reasonable costs for burial lot, grave opening, clothing, transportation other than of the deceased, clergyman, music and a concrete burial box, when required by the cemetery, at the lowest cost available to meet the minimum requirements, may be paid by relatives and friends, or under arrangements previously paid for by the deceased prior to death, and same shall not be considered as usual or extraordinary expenses as hereinbefore set out. [Amended May 26, 1958]

Relatives and friends may be able to provide usual expenses for burial lot, grave opening and/or clothing in lieu of allowance of such expenses from the state old-age assistance funds. In such instance, the \$350.00 limitation on burial expenses applies only when the state pays a part of the basic burial expenses up to the amount of \$175.00 as hereinabove set out. Further, the \$350.00 limitation does not apply to such expenses as may have been paid prior to the death of the recipient provided same were disclosed to the state welfare department so that they might be properly considered in determining the deceased recipient's eligibility for assistance payments.

In the event any payment up to \$175.00 is



allowed from the state assistance fund for usual burial expenses, relatives, friends or the estate of the deceased may provide additional usual or extraordinary expenses up to a total amount of \$350.00 for burial of the deceased. This limitation includes the total funds expended, both by the state and by relatives, friends or the estate of the deceased and applies when the state has not provided any additional expense for burial lot, grave opening and/or clothing, but has provided any part or all of the usual burial expense.

In the event the deceased recipient may have assigned a life insurance policy or similar death benefit contract to the state department in order to become or remain eligible for old-age assistance payments from the state, such amounts payable thereunder up to \$350.00 as may be determined proper under the circumstances, may be released by the said state department to apply toward the burial expenses of such a decedent. [Filed June 26, 1957]

#### 249.26 Relative's Liability

a. At the discretion of the county board of social welfare assistance may be denied on the basis of the relative's ability to support if it appears that such a step will result in assumption of the responsibility by the relative.

b. The applicant or recipient or the welfare agency authorizing assistance may begin suit at any time to compel support by legally responsible relatives.

c. Confidential Report—Responsible Relative, Form PA-2118-1, will be submitted to those relatives living within the state and Form PA-2120-1 to those relatives residing outside of Iowa. The proper form will be mailed or given to all children regardless of location immediately after the interview with the applicant. Thereafter the form must be sent to responsible relatives of the recipient at least every two years unless:

1. The relative is an inmate of an institution.

2. The relative is a member of a religious order or other group in which the individual is permitted to have no income.

3. The county department has knowledge that the relative is entirely dependent upon O.A.S.I., other type of retirement income or other income which is clearly inadequate to provide a contribution.

4. The relative is a recipient of public assistance. [Filed June 23, 1955]

d. Guide for Determining Relative's Liability—The procedures for determining the liability of a responsible relative are predicated upon the laws and regulations governing the Iowa individual income tax return. If the responsible relative filed a federal individual tax return the information regarding his income should be adjusted in such a manner as to permit the computation of his liability on the same basis as though he had filed an Iowa

Return. The table below sets forth that portion of net taxable income to which the responsible relative is entitled as an exemption.

In accordance with the provisions of the Code of Iowa, the following table of exemptions has been established on the basis of those personal exemptions allowed in the filing of Iowa individual income tax returns plus an additional allowance of seventy-five percent to compensate for the present day cost of living.

Marital Status of Responsible Relative	Yearly Exemption of Net Taxable Income
Single person .....	\$2,625.00
Man and wife .....	4,083.00
Man, wife and 1 dependent .....	4,667.00
Man, wife and 2 dependents .....	5,250.00
Man, wife and 3 dependents .....	5,687.00
Man, wife and 4 dependents .....	6,125.00
Man, wife and 5 dependents .....	6,562.00
Man, wife and 6 dependents .....	7,000.00
Man, wife and 7 dependents .....	7,350.00
Man, wife and 8 dependents .....	7,700.00
Man, wife and 9 dependents .....	8,050.00
Man, wife and 10 dependents .....	8,400.00

In the event the relative or his spouse is blind or over the age of sixty-five the following exemptions are applicable effective January 1, 1964:

Single person (blind or aged) ...	\$4,083.00
Single person (blind and aged) .	5,250.00
Married couple	
Entitled to three tax credits ..	5,250.00
Entitled to four tax credits ...	6,125.00
Entitled to five tax credits ....	7,000.00
Entitled to six tax credits ....	7,700.00

[Amendment filed December 31, 1957; August 6, 1963]

Any net taxable income over and above the exemptions listed in the above table is considered as the basis for computing the amount of the relative's annual contribution. The amount of such contribution is determined by applying the following formula:

Twenty percent of the first \$1,000.00 or any part thereof in excess of the exemption.

Thirty percent of the second \$1,000.00 or any part thereof in excess of the exemption.

Forty percent of the third \$1,000.00 or any part thereof in excess of the exemption.

Fifty percent of the fourth \$1,000.00 or any part thereof in excess of the exemption.

When a responsible relative is widowed or separated from his spouse and maintains a home for his dependent children his exemption shall be the same as that of a man and wife with dependent children.

#### 249.29 Requirements of Spouse

(a) The common household requirements of an ineligible spouse shall be included as a requirement of the recipient unless such needs can be met by another grant of assistance aside from general relief. The following items are considered as items of common household expense: Shelter, fuel, utilities, supplies and replacements, household insurance and any other requirement common to the operation of the household.

## MEDICAL ASSISTANCE FOR THE AGED

[Filed August 7, 1963]

**1 (249A) Age.** The applicant is considered to have fulfilled the age requirement on the first day of the month in which he attains his sixty-fifth birthday. Where acceptable information establishes the year in which the individual was born but the month and day cannot be determined July 1 shall be used as the anniversary date in establishing age.

**2 (249A) Residence in Public Institution.**

**2 (1)** A public institution is defined as a place which provides shelter or care to persons and is managed or controlled in whole or in part by or through any public instrumentality, official or employee acting in an official capacity.

**2 (2)** A medical institution is defined as a hospital licensed by the state department of health for treatment for other than tuberculosis or psychosis.

**2 (3)** A patient is defined as one who is in a medical institution and is receiving planned medical care.

**3 (249A) Residence in a Private Institution.** A person who is residing in a private institution is not eligible if there is a contract or an agreement obliging the institution to provide services available under medical assistance for the aged.

**4 (249A) Need for Medical Care.** Need for one or more of the medical and health services available under the program must be established for each type of service requested at the time of application and at least annually thereafter.

**5 (249A) Incurred Medical Expenses.** The care and services for which the applicant has paid or obligated himself to pay the sum of fifty dollars during the year immediately preceding application may be those provided by any health practitioner or supplier of health services or goods. A payment on behalf of the applicant through another public assistance program, by an insurance company, relatives or any other source will also count in the determination of the necessary fifty dollars paid or obligated.

**6 (249A) Income.** Monthly income in excess of the exempt amount is considered available to apply toward the costs of medical services received during that month. Payment may be made through medical assistance for the aged only for those services or for that part of the cost of a service which cannot be covered by any income in excess of the exempt amount for that month.

**7 (249A) Resources.** Resources include both real and personal property owned by the applicant and his spouse. Resources beyond the limitations are considered available to meet medical needs and the applicant or recipient will be ineligible until the amount beyond limi-

tations has been reduced. In determination of the value of real and personal property, the net cash value of the property is considered to represent its value to the applicant or recipient.

**8 (249A) Transfer of Property.** If it is established that within five years of the date of application the applicant has transferred or encumbered real or personal property for the purpose of creating eligibility for assistance it will be necessary to establish that the value of the property, if in the possession of the applicant, would create ineligibility. The ineligibility of the applicant will continue for such time as the value of the applicant's equity in the property minus the consideration received might reasonably be expected to meet the medical expenses of the applicant and his spouse.

**9 (249A) Medical Resources.** Medical resources include health and accident insurance, benefits available through governmental, veterans, fraternal or other organizations and other resources for meeting medical need. Medical resources must be used when available. Medical assistance for the aged is intended to supplement rather than substitute for other medical resources. Payment may be made through medical assistance for the aged only for those services or for that part of the cost of a service for which medical resources do not exist.

**10 (249A) Responsible Relatives.** Information shall be secured from the responsible relative regarding his ability and willingness to make a contribution. The responsible relative's statement as to his ability and the amount he will contribute will be accepted. If the relative indicates that he will make a contribution it will be considered as income available to the applicant or recipient.

**11 (249A) Investigation.**

**11 (1)** In establishing eligibility the county department shall make a record of the source of the information. It is not necessary to make documents a part of the record but pertinent parts of the record or document shall be quoted and the place where the record or document can be found shall be noted together with the worker's remarks or comments regarding its authenticity.

**11 (2)** If an application has been filed but the applicant dies before completion of the investigation the investigation will be pursued and the determination of eligibility made. If the applicant is found eligible payment may be made for services rendered during the period of eligibility.

**12 (249A) Date of Approval of Assistance.** The effective date of approval will be the first day of the month preceding the month in which application was made providing the applicant was eligible on that date. If the appli-

cant was not eligible during the month preceding application the effective date of approval will be the first day of the month in which application was made. No payment will be made for services rendered prior to the effective date of approval.

**13 (249A) Reinvestigation.** Reinvestigation should be made as often as circumstances indicate but in no instance shall the period of time between reinvestigations exceed twelve months.

**14 (249A) Period of Eligibility.** Unless changes in circumstances render him ineligible at an earlier date the person for whom eligibility has been established will be considered eligible for care provided under the program for a period of twelve months from the effective date of approval. If at the expiration of this period it is determined no medical care has been received for a six month period the case should be closed without reinvestigation.

**15 (249A) Scope of Medical and Health Services.** Medical and health services for which payment may be made by the department include care in the home, office, clinic, hospital or nursing home provided or prescribed by medical doctors, osteopaths, chiropractors, podiatrists, dentists and optometrists licensed to practice in the state of Iowa or by members of such professions in other states provided such practitioners are duly licensed in that state. Such services shall include prescribed drugs, medications, laboratory, diagnostic, therapeutic and dental services and such other services and supplies as may be authorized by practitioners within the scope of their practice and the limitations of the program.

**16 (249A) Quantity and Cost Standards.** Quantity and cost standards shall be developed by the department's technical and professional staff, with the help and advice of professional committees.

**17 (249A) Principles Upon Which Plan for Medical Care Is Based.**

**17 (1)** Free choice by recipients of practitioners and suppliers of care and service.

**17 (2)** Protection of the rights and dignity of the patient, including confidential information regarding the patient's illness.

**17 (3)** Provision for care within the limitations of the program of a quality and adequacy consistent with good professional practice, as economically as is compatible with good standards of care and fair compensation to the providers of care.

**18 (249A) Procedure and Method of Payment.**

**18 (1)** Vendors will submit monthly billings for services rendered eligible persons directly to the fiscal agent. The fiscal agent will audit all billings in accordance with standards developed by the department. Following

audit the fiscal agent will make payment to vendors.

**18 (2)** The amount of any payment made directly to the vendor by the recipient, relatives or any other source shall be deducted from the established cost standard for the service provided, to establish the amount of payment to be made by the department.

**19 (249A) Disciplinary Action Against Vendor.** The department reserves the right to remove from participation in the program any practitioner or vendor who has violated the department's requirements for participation.

[Filed August 7, 1963]

## AID TO THE BLIND (Chapter 241, Code of Iowa)

### 241.1 Definition of Blindness

An individual approved for blind assistance shall be one who has no vision, not more than 20/200 central visual acuity in the better eye, with correcting glasses or a field defect in which the peripheral field has contracted to an extent that the widest diameter of visual field subtends at an angular distance of no greater than twenty degrees.

### 241.2 Citizenship

(a) Persons who qualify for applying for citizenship must complete naturalization within the time designated by law.

### 241.2 Residence

(a) Residence is that place in which a person is living for other than a temporary purpose. Residence once acquired continues until the individual abandons it and acquires residence elsewhere. Temporary absence is the absence of a person during which time he intends to return or because of a change in intent, he does return. A temporary absence from the state shall not be deemed to interrupt residence requirements. A person who at any time has fulfilled the residence requirements but later leaves the state, may qualify for assistance on return to the state regardless of the period of time he was absent. [Amendment filed December 17, 1957]

### 241.3 Eligibility

See (a) and (b) under 249.7 (old-age assistance).

(c) In determining eligibility for aid to the blind, it is necessary to take into consideration the value of real and personal property belonging to the applicant, his spouse and dependent children.

(d) The homestead, household goods and heirlooms are exempted. Cash surrender value of life insurance for the applicant or his spouse, not to exceed a total of \$500, is also exempted. A reserve of other property, real and/or personal, by the applicant and his dependents is permitted, provided the net value does not exceed \$500 for the applicant plus \$200 for his spouse and each dependent child.

(e) The net market value of real and personal property (other than the allowed exemptions) shall be used as a basis in determining the total value of property. When the net market value of property is less than the amount exempted, but represents a type of property subject to fluctuations in value, it is the responsibility of the welfare worker to make periodic checks as often as may be necessary to determine continuing eligibility.

(f) When a recipient sells his home the proceeds shall be considered as a part of his total resources in determining continuing eligibility, unless immediately used for the purchase of another home.

(g) The homestead consists of the house, used as a home, and may contain one or more contiguous lots or tracts of land, including the buildings and appurtenances. If within a city or town plat, it must not exceed one-half acre in extent, otherwise it must not contain in the aggregate more than forty acres.

(h) Earned income is defined as income in cash or in kind earned by a needy blind individual through the receipt of wages, salary, commissions, or profit from activities in which he is engaged as a self-employed individual or an employee. Such earned income may be derived from his own employment, such as business enterprise, farming, rental of rooms when activities are required of the recipient such as cleaning, making beds, etc.; or derived from wages or salary received as an employee. It includes earnings over a period of time for which settlement is made at one given time, as in the instance of farm crops, livestock and poultry.

#### 241.6 Applications

(a) The application process in the county should be completed within a 30-day period. The term "application process in the county" includes the period from the date of application to and including the date action is taken and the application and change of status are mailed to the state office.

#### 241.7 Investigation

(a) In establishing eligibility for assistance the welfare worker shall make a record of the source of the information. It is not necessary to make documents a part of the record, but pertinent parts of the record or documents shall be quoted and the place where the record or document can be found shall be noted together with the worker's remarks or comments regarding their authenticity.

#### 241.8 Examinations

An applicant requesting aid to the blind may select an examiner from either the approved lists of ophthalmologists or approved lists of optometrists.

#### 241.11 Appeals

See a, b, c, d, e, f, g, section 249.11 (old-age assistance).

#### 241.12 Periodic Reinvestigations

(a) A reinvestigation or review of aid to the blind cases shall be made at least every twelve months.

#### 241.17 Funeral Expense

(a) The deceased may be eligible for burial benefits provided:

1. He has no relatives able to meet the expense.

2. The estate left by the decedent or proceeds from life insurance, funeral benefits, burial association, society or Old-Age and Survivors Insurance, which are left to the decedent's estate or beneficiary, are not sufficient to provide burial costs. (If the assets mentioned are used to pay for a steel or concrete vault or other extraordinary expenses, the decedent would be eligible for burial benefits of not to exceed \$175 provided the total cost of the burial less exempted items, available prior to the death of the aid to blind recipient or provided by relatives or friends, does not exceed \$350.)

(b) Extraordinary expenses which may be paid by relatives or friends or from the estate of the decedent may not increase the total burial cost to more than \$350 and may be incurred for the following items: 1. Steel or concrete vault. 2. Oversize casket required because of the excess size or deformity of the body. 3. Transportation of the body for a distance of more than twenty miles from place of death. 4. Cremation of the body at the request of the decedent or relatives. 5. Services of a second funeral director in another community in connection with interment.

(c) A reasonable cost for the burial lot, clothing, sexton service, automobiles furnished by friends or relatives, clergyman and music need not be included in the \$350 maximum when such items are furnished by friends, relatives, or were contracted for or purchased prior to the death of the recipient.

(d) Any funeral director filing a claim with the state department of social welfare for \$175 or any part thereof to cover burial expenses of a deceased recipient shall provide at least the following services and merchandise:

1. Preparation and embalming of the body.

2. A standard burial casket, the minimum specifications for which shall be octagon end, three panel, flat top, built of wood of good quality, fully upholstered and fully lined, trimmed with six short or two long bar handles or a casket of comparable value and appearance.

3. A pine or other wood outside burial case.

4. Furnish a hearse for all necessary transportation of the body within the radius of twenty miles of the place of death.

5. Clothing must be furnished by relatives or friends or provided from the accessories of the deceased. If no clothing is made available, it will be furnished by the funeral director.

6. Funds for burial space and sexton fees will be provided by relatives, friends, or furnished from personal resources of the deceased, such as Old-Age and Survivors Insurance lump-sum benefits, etc. In the absence of relatives and friends or personal resources, the funeral director will provide a burial space other than in a "pauper's field" and sexton fees. (If provided from personal resources of the decedent the total cost of the funeral may not exceed \$350).

7. Make arrangements for the funeral rites at the funeral home, at the home of the deceased, at a fraternal or lodge hall, at a church or other reasonable place in the absence of relatives or friends being available to make such arrangements. [Filed June 23, 1955; amended June 9, 1959]

#### 241.22 Financial Responsibility

(a) When a recipient of blind assistance leaves the county in which he is receiving assistance, for the purpose of attending college, a trade or other type of school, in another county, and it is established that the absence is temporary for the educational purposes only, the financial responsibility is not transferred.

(b) When an individual receiving blind assistance also receives remedial care, the county responsible for the cost of remedial care is the same as that responsible for the assistance. If the applicant for remedial care is not receiving blind assistance, the financial responsibility for such remedial care rests with the county where he is living at the time the application for remedial care is filed.

#### AID TO DEPENDENT CHILDREN (Chapter 239, Code of Iowa)

##### 239.1 (4) Definitions

(a) The relative who is granted assistance must be an adult over twenty-one years of age or reached his majority through marriage.

(b) A child is eligible for the entire month in which he reaches his sixteenth or eighteenth birthday provided the eighteenth birthday is on any day other than the first day of the month. [Amended July 1, 1958]

(c) Living with relatives implies primarily the existence of a relationship involving an accepted responsibility on the part of a relative for the child's welfare; it includes the sharing of a common household and the presence of the relative and the child in the residence maintained by the former.

(d) "Home" is the family setting maintained or in the process of being established, as evidenced by the assumption and continuation of responsibility for the child by the payee. Usually the child shares the same household with the payee. A home exists, however, so long as the payee assumes responsibility for the care and control of the child even though circumstances may require temporary absence of either the child or payee from home.

(e) The child must be living in the home of one of the following adult relatives who is the applicant and at least twenty-one years of age or reached his majority through marriage:

Father—Adoptive Father

Mother—Adoptive Mother

Grandfather—Grandfather-in-law (meaning the subsequent husband of the child's natural grandmother, i.e., step-grandfather)—Adoptive Grandfather

Grandmother—Grandmother-in-law (meaning the subsequent wife of the child's natural grandfather, i.e., step-grandmother)—Adoptive Grandmother

Great-grandfather—Great-great-grandfather

Great-grandmother—Great-great-grandmother

Stepfather } But not their parents

Stepmother }

Brother—Brother-of-half-blood—Stepbrother

Brother-in-law—Adoptive Brother

Sister—Sister-of-half-blood—Stepsister

Sister-in-law—Adoptive Sister

Uncle—Aunt (of whole or half blood)

Uncle-in-law—Aunt-in-law

Great Uncle—Great-great Uncle

Great Aunt—Great-great Aunt

A spouse of any person named in the above groups may also act as payee even though the marriage is terminated by death or divorce. Cousins, nephews and nieces are not considered within the scope of the provisions of this program.

(f) The most authentic records for determining the relationship of the child to the applicant are birth certificates, marriage, hospital and physician records. In the absence of these records, other sources of evidence may be used to establish the relationship of the child and applicant.

(g) When a guardian is appointed for the recipient or the dependent child at the request of the county board, as a condition for granting assistance, assistance payments shall be made to such guardian. If a guardian has previously been appointed at any time under other conditions, such guardian will have no effect upon the payment of aid to dependent children. [Filed June 23, 1955]

(h) Assistance shall be continued to the recipient with whom the child has been living when the child leaves the home for a temporary period, provided the recipient maintains control over the child during such absence.

(i) The major consideration in establishing dependency caused by continued absence from the home is to establish the reason for the absence as it relates to continued absence rather than placing a time limit in which any parent may be absent before considering such absence continuous.

(j) "Desertion or abandonment" exists when the parent, or parents or stepparent, has left the family to avoid responsibilities of support. The parent or stepparent must be absent and estranged from the family, not out of the home merely to secure employment or for

other reasons which separate him from his family only on the basis of living arrangements.

(k) In the case of divorce, verification of this fact shall be made, together with the report of support and custody of the children, as ordered by the court. Divorce may be verified by court records in the county where the divorce was granted.

(l) In the case of imprisonment, the parent's continued absence from the home can be clearly and factually established and its probable duration determined. Verification must be made and facts properly recorded in the case record.

(m) If the parent is committed or admitted to an institution on an order by the court for any reason including insanity and epilepsy, or an order is issued by the proper authorities for admittance to a sanatorium for tuberculosis, the parent may be considered absent from the home. A child who has been committed by the court to a public or private institution but has not been admitted into an institution and is residing in the home of relatives while awaiting admittance may be eligible for aid to dependent children if certain regulations are followed.

The county welfare department rather than the court must be permitted to have complete control in determining the child's eligibility for assistance and the amount of assistance. The relative with whom the child is living (applicant) must have control over the expenditures of the assistance payment for the benefit of the child.

(n) Induction into military service may be a factor which has deprived a child of a parent's care by reason of the parent's continued absence from home. Conditions which might develop in the home as a result of the parent's induction might also create dependency. After taking into consideration all available resources and reason for dependency, a child who meets these eligibility factors may be eligible for aid to dependent children.

(o) If a child is deprived of support or care of a natural parent, the presence in the home of an able-bodied stepparent does not disqualify a child for aid to dependent children, provided the child is in need and meets other eligibility factors. The financial ability of a stepparent is to be considered as a resource and it is to be noted that income and property of stepparents is to be given the same consideration as that of parents.

(p) Aid to dependent children is available to a child of unmarried parents the same as to a child of married parents if the eligibility requirements are established.

(q) When the mother's pregnancy has been determined by medical diagnosis the unborn child may be included with other children in the eligible group. Reference to the child prior to birth shall be to "Unborn Child" insofar as case records are concerned.

(r) Death applies to the death of the father or mother.

(s) An incapacitated parent is one who, because of a mental or physical condition, is unable to support the dependent child. The determination of incapacity must take into consideration the psychological, environmental and economic factors as well as the physical and/or mental condition of the parent. Incapacity of a parent applies to the father and/or mother, whether such parent is in the home or living elsewhere. The parent may be totally and permanently incapacitated or the condition may be such that he is partially or temporarily incapacitated. It is the effect of incapacity that is important rather than the extent of injury. The welfare worker will need to study carefully the nature of incapacity, causes for the condition and make a careful analysis of the medical reports, together with the social and occupational factors involved in order to establish that the parent is incapacitated. It is not necessary to establish what a parent would have provided for a child had the incapacity not existed. The existence of physical or mental incapacity establishes this eligibility requirement. Mental incapacity is often reflected by marked instability, chronic alcoholism, inability to secure or retain employment and physical symptoms with no organic base. An examination together with the doctor's evaluation and a complete social and economic history which points up the individual's instability, will be considered acceptable evidence in establishing incapacity. The welfare worker should work closely with the entire family unit in helping the family and the incapacitated parent make a satisfactory adjustment. Every effort should be made to encourage the parent to follow the treatment or plan recommended by the physician, psychiatrist or welfare worker in order that he may eventually be able to assume responsibility for the support and care of his family. The welfare worker shall record sufficient information to establish the incapacity of the parent as well as the effort made by the agency to help the family adjust to its circumstances. Information should also be recorded relative to employment history, training, skills and attitudes. Such information will enable the agency to evaluate the employment opportunities in relation to the individual's handicap. An interpretation of available resources, for those for whom vocational rehabilitation service might help to correct or relieve the condition causing incapacity, should be provided. In the absence of a permanent disability, periodic re-evaluations should be made to determine continued eligibility insofar as this factor is concerned.

(t) Any child who is otherwise eligible between the ages of sixteen and eighteen years who is making his home with the applicant and regularly attending school is eligible for aid to dependent children. A child will be considered as regularly attending school if (1) car-

rying a program of supervised education or vocational training consistent with the standards of an appropriate educational or vocational education authority, either as a part of a regular school program or under special arrangements adapted to the individual child's educational needs, or (2) if his attendance at school is interrupted by unusual circumstances such as illness or convalescence.

### 239.2 (1) Suitable Home

(a) The home should be deemed suitable until such time as the court has ruled otherwise and, as the result of such action, the child has been removed from the home. It is the responsibility of the worker, however, when making an investigation, and conditions are revealed which endanger the child's welfare and security, to make such facts known to the proper authorities in order that consideration may be given to need for action in the case. The intangible qualities of a home—the social and emotional elements, including a sense of security—are essential to character building and are not necessarily conditional upon physical surroundings. In many instances a below-standard home situation may be remedied by adequate assistance and service.

### 239.2 (2) Residence

(a) The child shall have resided in the state for one year immediately preceding the application for assistance or have been born within one year immediately preceding the application, if the parent or other specified relative with whom the child is living has resided in the state for one year immediately preceding the birth of said child. Residence is that place in which a person is living for other than a temporary purpose. Residence once acquired continues until the individual abandons it and acquires residence elsewhere. To reside in or have one year's continuous residence in the state immediately preceding application is to have residence in the state twelve months prior to date of application and not abandon such residence and acquire residence elsewhere during the twelve month period. Temporary absence is the absence of a person during which time he intends to return or because of a change in intent, he does return. Exception: In aid to dependent children intent at the time of leaving the state is the governing factor. However, absence from the state for a period of less than twelve months shall not be considered as interrupting residence. [Amendment filed December 17, 1957 and September 9, 1960]

### 239.2 (3) Residence in Institution

(a) When a child, or a recipient to whom the assistance payment is made, is temporarily hospitalized in a tax-supported hospital, during which time he maintains his previous living quarters, assistance should not be suspended or canceled. However, when the recipient is hospitalized, the welfare worker should assist

in planning for the care of the child during the absence of the recipient. If the recipient is absent for a long period of time, assistance should be canceled and, if possible, an application filed by the person who assumes responsibility for the child.

**239.3** See (a), section 241.6 (Aid to the Blind).

**239.4** See (a), section 241.7 (Aid to the Blind).

### 239.5 Determining Amount of Assistance

(a) In determining eligibility for aid to dependent children, it is necessary to take into consideration the value of real and personal property belonging to the parent(s) and the child for whom application for aid to dependent children has been made. The homestead, household goods, and heirlooms are exempted. Cash surrender value of life insurance for either or both parents, not to exceed a total of \$500.00 is also exempted. A reserve of property, real and/or personal, by the eligible group, in addition to the exemptions is permitted, provided the net value does not exceed \$500.00 for the first person in the eligible group plus \$200.00 for each additional person in the eligible group. The policy does not apply to property owned by an applicant or recipient, who is other than a parent, and not a member of the eligible group.

(b) The following consumption items, which are considered essential for all individuals, should be included as requirements in all assistance plans:

#### Group I. (Personal and Household)

<i>Personal Allowances</i>	<i>Household Allowances</i>
Food	Shelter
Clothing	Heating Fuel
Miscellaneous and Recreation	Lights
Personal Care and Supplies	Cooking Fuel
Health Allowance (OAA-AB)	Water
	Supplies and Replacements

Exception: Certain items mentioned above may not constitute a need in instances where the individual is in a nursing home, boarding home, etc.

#### Group II. (Special Considerations)

<i>Continuous Specials</i>	<i>Temporary Specials</i>
Telephone	Medical Appliances
Insurance	Special Examinations
Transportation	Dental
Education	Special Clothing Needs, etc.
Board and Room	Medical Care*
Nursing Care	
Restaurant Meals	
Laundry, etc.	

\*Medical care is defined as medical or remedial services for which payment may be made by the department and includes care in the home, office or clinic, provided or prescribed by medical doctors, osteopaths, chiropractors, podiatrists, optometrists and dentists licensed to practice in the state of Iowa, or by members of such professions in other states, provided

such practitioners are duly licensed in that state. Such services shall include prescribed drugs, medications, laboratory, diagnostic, therapeutic and dental services; and such other services and supplies as may be authorized by practitioners within the scope of their practice and the limitations of the plan. [Amended October 20, 1958; May 15, 1959 and April 25, 1960; January 22, 1963]

**Types of Services for which Payment May Not Be Made Through the Medical Plan.**  
[Amended April 25, 1960]

No payment will be made for:

1. Hospitalization or any supplies, services or procedures performed in the hospital including surgery, drugs, laboratory, x-rays, etc. Exceptions: Payment will be made (1) for services rendered in the out-patient department of a hospital (when the patient is not hospitalized over night), including x-rays, laboratory services and drugs, (2) to practitioners, without the necessary equipment, who refer their patients to the hospital for laboratory tests and x-rays on an out-patient basis.

2. Items which may be provided in the assistance plan. [Amended April 25, 1960]

3. Remedial Eye Care. (Provision for such care is made through another program.)

4. Medical or remedial services reasonably available through other publicly supported programs or from a private agency.

5. Medical or remedial care expense which may be met through various types of health insurance.

Recipients are eligible for medical and remedial care furnished in accordance with the department's quality, quantity and cost standards when the required care is not reasonably available to them from other sources without charge.

The quality, quantity and cost standards shall be developed by the department's technical and professional staff with the help and advice of professional committees.

In discharging the duties required by this rule, the state board, with the advice and help of technical and professional advisors, shall develop standards based on the following principles:

1. Free choice by recipient of practitioners or druggists.

2. Protection of the rights and dignity of the patient, including confidential information regarding the patient's illness.

3. Provision for care, within the limitations of the program, of a quality and adequacy consistent with good professional practice, as economically as is compatible with good standards of care and fair compensation to the providers of care.

4. Determination of financial eligibility by the county department of social welfare.

5. Eligibility for public assistance entitles

recipients to medical or remedial care provided through this program.

6. An established and continuous working relationship between the departments of social welfare and the county and state committees.

7. Consideration of plans for medical and remedial care as a part of the over-all plan for assistance and service.

8. Co-ordination of medical and remedial services provided through public assistance funds with medical and remedial care reasonably available through other public and private resources.

Prior authorization by the county department is required for all services rendered by practitioners.

Payment for medical and remedial services shall be made directly to the vendor.

The department reserves the right to remove from participation in the program any practitioner or vendor who has violated the department's requirements for such participation.

The amount of any payment made directly to the vendor by the recipient, relatives or from other sources, including General Relief, shall be deducted from the established cost standard for the service provided, to establish the amount of the payment to be made by the department. Exception: This rule is not applicable to (1) supplementation from any source other than a responsible relative to meet the cost of certain services for which no payment is made by the department (oxygen, psychiatric treatment, physical therapy), when such services are prescribed by the recipient's physician and provided in a licensed custodial or nursing home; (2) supplementation from general relief for nursing care provided by a licensed hospital. [Amended December 13, 1960; November 15, 1962]

Additional special needs as have been outlined should be included when specified circumstances are present in a particular case and an explanation provided in the narrative. While the extent of need is determined by an evaluation of the individual's requirement and resources available to meet such requirement, the grant is related to the deficit as a whole and not to a single item of expense. The right of individuals to expend their assistance as they wish is recognized. Any actual or implied control over the use of the grant will cause it to be regarded as restricted. Recipients of public assistance should enjoy the same rights in connection with carrying on their activities and discharging their responsibilities as other members of the community.

**239.7** See a, b, c, d, e, f, g, Section 249.11 (Old-age Assistance).

**239.8 Removal From County**

(a) The county where the recipient and dependent child are living at date of application



is financially responsible for the county's share of assistance issued until the recipient and dependent child move into another county and reside there for a period in excess of six months after assistance is approved. Responsibility should be transferred to the new county after six warrants have been written in favor of the payee while residing in such county for six consecutive months.

### 239.9 Funeral Expense

(a) See a, b, c, d, Section 241.17 (Aid to the Blind). [Filed June 23, 1955]

### A RULE RELATING TO RELIEF FOR NEEDY INDIANS [Filed December 19, 1961]

### 252.43 Relief for Indians

The Director of Social Welfare in Tama County has been designated by the State Department of Social Welfare to administer relief for needy Indians residing on the reservation.

*A. General Relief.* The program of relief for needy Indians provides for the State Department of Social Welfare, upon authorization of the Tama County Director of Social Welfare, to order the State Comptroller to write warrants, in favor of an Indian residing on the reservation for those items designated by the state board. Warrants may also be issued to meet special needs when recommended by the Field Representative and approved, on an individual case basis, by the State Department of Social Welfare.

#### Eligibility Requirements

1. *Determining Amount of Assistance.* The standards used in the aid to dependent children program shall be used for those items for which provision is made through the program of relief for needy Indians.

2. *Need.* Need exists when an applicant lacks sufficient income and resources to meet established requirements.

3. *Age.* There are no age limitations.

4. *Resources and Income.* See (c), (d), (e), (f), (g) and (h), Section 241.3 (Aid to the Blind).

5. *Support from Relatives.* Responsible relatives shall be interviewed at the time of application and review. Any contribution made by the relative shall be taken into consideration in determining the amount of the grant.

*Applications.* See (b), (c), (d), (e), (f), (g), Section 249.11 (Old-age Assistance).

*Investigations.* See (a), Section 249.4 (Old-age Assistance).

*Payment.* Payment shall be made directly to the vendor by the State Department of Social Welfare for goods or services provided.

*Limitations on Expenditures.* The State Department shall notify the County Department, each month, of funds available for that month. The County Department of Social Welfare may not issue orders in excess of such amount.

*Review.* A review of cases receiving assistance on a regular basis shall be made as frequently as the circumstances require but in

no instance shall the period of time between reviews be in excess of six months. In cases where temporary assistance is granted in emergencies the situation should be evaluated at any time additional assistance is requested.

### A RULE RELATING TO THE PROGRAM FOR AID TO THE DISABLED [Filed August 12, 1959]

### AID TO THE DISABLED

(Chapter 9, Laws of the Fifty-eighth General Assembly)

### 9.4 Disability

(a) Disability means a permanent total impairment of such severity that the disabled person requires assistance from another person in performing the normal activities of daily living. [Amended February 18, 1960]

(b) The determination of disability is the responsibility of the Medical Section of the State Department of Social Welfare. The physician in the Medical Section is a medical doctor employed on a part-time basis by the State Board. He is assisted by a social worker qualified by training and pertinent experience.

### 9.4 (2) Public Institution

(a) See 249.6 (5) (Old-age Assistance).  
[Amended June 8, 1961]

### 9.4 (4) Income and Resources

See a, b, c, Section 249.8 (Old-age Assistance). See c, d, e, f, g, Section 241.3 (Aid to the Blind).

### 9.5 Amount of Assistance

(a) Need exists when an applicant lacks sufficient income and resources to meet his established requirements.

(b) The following consumption items, which are considered essential for all individuals, should be included as requirements in all assistance plans:

#### Group I. (Personal and Household)

<i>Personal Allowances</i>	<i>Household Allowances</i>
Food	Shelter
Clothing	Heating Fuel
Miscellaneous and Recreation	Lights
Personal Care and Supplies	Cooking Fuel
	Water
	Supplies and Replacements

[Amended April 25, 1960 and November 23, 1960]

Exception: Certain items mentioned above may not constitute a need in instances where the individual is in a nursing home, boarding home, or other congregate living arrangement.

#### Group II. (Special Considerations)

<i>Continuous Specials</i>	<i>Temporary Specials</i>
Telephone	Medical Appliances
Insurance	Special Examinations
Transportation	Special Clothing
Education	Needs, etc.
Board and Room	Medical Care*
Nursing Care	Vendor Payments
Restaurant Meals	
Laundry, etc.	

[Amended April 25, 1960 and November 23, 1960]

\*Medical care is defined as medical or remedial services for which payment may be made by the department and includes care in the home, office or clinic, provided or prescribed by medical doctors, osteopaths, chiropractors, podiatrists and dentists licensed to practice in the state of Iowa, or by members of such professions in other states, provided such practitioners are duly licensed in that state. Such services shall include prescribed drugs, medications, laboratory, diagnostic, therapeutic and dental services; and such other services and supplies as may be authorized by practitioners within the scope of their practice and the limitations of the plan.

**Types of Service for Which Payment May Not Be Made Through the Medical Plan.** See (b), section 239.5 (Aid to Dependent Children). [Amended November 23, 1960]

#### 9.7 Applications

See a, Section 241.6 (Aid to the Blind).

#### 9.8 Investigation

See a, Section 241.7 (Aid to the Blind).

See a, Section 241.12 (Aid to the Blind).

#### 9.10 Appeals

See a, b, c, d, e, f, g, Section 249.11 (Old-age Assistance).

#### 9.11 Guardian

(a) When an application is filed for a person under guardianship, the Application for Assistance, Form PA-1101-0, shall be signed by the guardian and assistance payments shall be made to such guardian. The original investigation and any subsequent reviews shall include an interview with the guardian.

#### 9.13 Funeral Expense

(a) See (a), Section 249.18 (Old-age Assistance).

(b) Payment by Relatives or Friends or from Estate of Deceased Recipient—Burial expenses hereunder may not exceed \$350.00 when paid from the estate of the deceased recipient or when relatives and friends of the deceased provide extraordinary expenses to supplement the usual burial expenses up to \$175.00 paid from the state old-age assistance fund.

Extraordinary expenses hereunder which may be paid by relatives, friends or the decedent's estate shall include:

1. Steel or concrete vault.
2. Oversize casket required because of the excess size or deformity of the body.
3. Transportation of the body for a distance of more than twenty miles from place of death.
4. Cremation of the body at the request of the decedent or relatives.
5. Services of a second funeral director in another community in connection with interment.

However, in computing the total burial expense limitation of \$350.00, such reasonable

costs for burial lot, grave opening, clothing, transportation other than of the deceased, clergyman, music and a concrete burial box, when required by the cemetery, at the lowest cost available to meet the minimum requirements, may be paid by relatives and friends, or under arrangements previously paid for by the deceased prior to death, and same shall not be considered as usual or extraordinary expenses as hereinbefore set out.

Relatives and friends may be able to provide usual expenses for burial lot, grave opening and/or clothing in lieu of allowance of such expenses from the state old-age assistance funds. In such instance, the \$350.00 limitation on burial expenses applies only when the state pays a part of the basic burial expenses up to the amount of \$175.00 as hereinabove set out. Further, the \$350.00 limitation does not apply to such expenses as may have been paid prior to the death of the recipient provided same were disclosed to the State Welfare Department so that they might be properly considered in determining the deceased recipient's eligibility for assistance payments.

In the event any payment up to \$175.00 is allowed from the state assistance fund for usual burial expense, relatives, friends or the estate of the deceased may provide additional usual or extraordinary expense up to a total amount of \$350.00 for burial of the deceased. This limitation includes the total funds expended, both by the state and by relatives, friends or the estate of the deceased and applies when the state has not provided any additional expense for burial lot, grave opening and/or clothing, but has provided any part or all of the usual burial expense.

In the event the deceased recipient may have assigned a life insurance policy or similar death benefit contract to the State Department in order to become or remain eligible for aid to the disabled payments from the state, such amounts payable thereunder up to \$350.00 as may be determined proper under the circumstances, may be released by the said State Department to apply toward the burial expense of such decedent.

### CHILD WELFARE SERVICES STANDARDS FOR FOSTER CARE PROGRAM AND FACILITIES

#### Standards for Nurseries

Nurseries are licensed under the authority given in Chapter 237, 1954 Code of Iowa, in accordance with an opinion rendered by the Attorney General.

#### Definition

1. The term "Nursery" shall mean and include the facilities of any home, institution or organization, whether known as a day care center, day nursery, co-operative day nursery, co-operative day nursery school or nursery school, which for profit or nonprofit, receives for temporary care, during part or all of the day, six or more children, over two years of age.

### Licensing Procedure

2. A license for operating a nursery shall be "Full" or "Provisional." A provisional license for operating a nursery indicates one or more minimum requirements or standards are not fully met. A provisional license shall be issued for only one year on the same unmet requirement.

3. A license for operating a nursery shall designate the type of operation—"Preschool" or "Day Care."

4. A person or corporation applying for a license for operating a nursery must make application on the forms provided by the State Department of Social Welfare.

5. License application forms for licensing a nursery shall be signed by the board president or chairman of the incorporated nursery or by the executive or operator if there is no governing board.

6. Withdrawal or cancellation of the application for license for operating a nursery shall be reported to the State Department of Social Welfare, within thirty days.

7. A representative of the State Board of Social Welfare shall make a study of the nursery before a license for operating a nursery is granted or denied.

8. The nursery shall discontinue operation immediately when a license for operating a nursery is denied.

9. When a license for operating a nursery is withdrawn or revoked the nursery shall return the license to the State Department of Social Welfare within thirty days.

### Organization and Administration

10. Every nursery not incorporated under the statutes of Iowa shall have a written statement of the objects and purposes for which the nursery is established and this statement shall be filed with the State Department of Social Welfare. The plans and practices of operation shall be consistent with the statement. Any change of the plans and practices shall be immediately transmitted to the State Department of Social Welfare in writing.

11. When a nursery is incorporated in the State of Iowa, a copy of said Articles of Incorporation shall be submitted to the State Department of Social Welfare; in the event any amendments to the original articles are filed, a copy of said amendment or amendments shall be transmitted to the State Department of Social Welfare.

12. A nonprofit nursery shall have a governing board. The board or operating body shall formulate rules and policies within the objects and purposes of said nursery, insist the same be followed and assure itself the executive is fulfilling his function.

13. The board or operating body of a nonprofit nursery shall provide for the operation of said nursery with competent staff which meets the minimum requirements established

by the State Department of Social Welfare and shall provide for revenue for adequate financing of said nursery.

14. The budget of a nonprofit nursery must be presented to the board or governing authority for approval prior to becoming effective.

15. The nursery shall maintain financial solvency, consisting of either resources and/or predictable income, not totally dependent on current fees, for at least a three months operating budget.

16. The nonprofit nursery shall prepare a monthly statement of receipts and expenditures.

17. Records of all financial transactions of profit nurseries shall be entered on the books kept by the operator, executive or owner.

18. The treasurer, executive and other persons handling the funds of a nonprofit nursery shall be bonded.

19. An accountant shall annually audit the books of the nonprofit nursery except the nursery operated and maintained by the state in accordance with the Iowa Code.

### Personnel (Qualifications and Responsibilities)

20. The basic minimum staff of a nursery shall consist of the following: A mature operator or executive and teacher or child-care staff, dependent upon the number and age range of children served by the nursery.

The basic minimum staff of a nursery shall never be less than two persons to give direct care to children. Two staff members shall be on duty at all times except during the periods when the program is starting and ending each day. Until the group in care numbers six in the mornings, and after it is less than six at least one staff member must be on duty with the children and a second person must be within calling distance. When the second person is not a staff member, the nursery shall have written agreements with a person or persons, defining the arrangement(s).

The nursery's child-care or teaching staff shall be kept in the following ratio to groups of children in care.

At least one staff member for each group of:

- 6 two-year-olds
- 12 three-year-olds
- 15 four-year-olds
- 18 five-year-olds
- 18 six-year-olds
- 25 seven-year-olds and over seven-year-olds

Combinations of age grouping shall have staff determined on the youngest age group. In addition to the basic staff, one staff member shall be available as needed to give assistance to any group.

Separate maintenance staff shall be provided except when the direct child-care and teaching staff is in excess of the ratio given above.

21. The nursery operator or executive shall be a competent person, mentally and emotionally stable, who has ability to work with children as adjudged from past experience and training.

22. The nursery operator, executive or board shall provide a plan for staff training and development.

23. The nursery operator or executive shall be responsible for the nursery administration and program; for admission and discharge of children and be concerned for the child's development while in said nursery.

24. The nursery's child-care staff and teachers shall have a knowledge of child development and behavior; have the ability to give the children a feeling of security and comfort; and under the supervision of the executive or operator be responsible for the guidance and direct child-care.

25. A nursery licensed as a "School" shall have at least one teacher who is a high school graduate and has credits from an accredited college or university in the subjects listed below:

a. Four quarter credits or three semester hours in "Approved supervised teaching in preschool groups" (not less than 120 hours), and

b. Six quarter credits or four semester hours in "Family Relations and Community Life," and

c. Nine quarter credits or six semester hours in "Child Development, including child psychology, physical growth, and personality development, from birth to twelve years," and

d. Nine quarter credits or six semester hours in "Nursery school curriculum and procedure (including literature, music, art, and science for children two to five years), selection of equipment and materials".

(One year's teaching experience under the supervision of a teacher who has these qualifications may be substituted for six quarter credits or four semester hours of the requirement given under "d".)

26. The nursery shall have at least one staff member with training and knowledge of child development and nursery management so as to impart his knowledge to the general staff and plan for orientation of new staff members.

27. Every staff member shall be in good physical condition and the same shall be evidenced by a report from a medical examiner, prior to employment, and thereafter at least every third year. A staff member, who develops any symptoms of a communicable disease, at any time, shall be required to have a medical examination.

28. Personnel records for the nursery staff shall be complete including medical reports.

29. No administrative, professional or child-care staff member shall be younger than sixteen or older than seventy years of age.

#### **Plant and Equipment**

30. No nursery shall be operated where any condition exists which would be injurious to the moral or physical welfare of a child or children.

31. No nursery shall be operated in a setting or building where the care of the aged, infirm or incapacitated is given on a planned or licensed basis.

32. The premises of the nursery shall be in a sanitary condition acceptable to the State Department of Health.

33. Premises used for outdoor play by the nursery shall be maintained in good condition throughout the year; shall be kept free from litter, rubbish and inflammable material at all times and shall be fenced off when the nursery grounds are located on a busy thoroughfare.

34. Any new building or remodeling plan for a nursery shall be approved, prior to construction, by the State Department of Social Welfare.

35. In any large nursery program the administrative offices shall be kept separate from the areas used by the children. Space in each nursery shall be provided for clerical work and for confidential records and other materials which need to be kept on file in the nursery.

36. The nursery shall have sufficient rooms available for the various types of activities and for the care of children by age groups.

37. The nursery shall have napping facilities for each preschool age child if time spent at the nursery is longer than three hours and shall provide a washable cot and bedding for each preschool age child. There shall be at least two feet of space on all sides of the cot except where it touches the wall.

38. The nursery shall have a room which can be used for isolation for any child having or suspected of having a communicable disease.

39. Individual toilet articles, including towels (paper or cloth) and facilities for keeping them shall be provided in the nursery. Sanitary dispensing and disposal units for paper cups and towels shall be provided in the nursery.

#### **Fire Safety**

40. The nursery, before a license is issued, must be inspected by the local fire department or the State Fire Marshal. All recommendations for fire safety as determined by the inspection of the nursery and approved by the State Department of Social Welfare must be carried out.

41. A nursery using second story facilities shall provide the building with an approved fire escape. The nursery shall provide fire extinguishers within the building at places recommended by the fire department and the nursery premises shall be kept free from fire hazards and accumulations of combustible materials.

#### **Equipment and Materials**

42. The nursery shall provide equipment for the use of the children suited to their needs, size and abilities for both indoor and

outdoor activity. The total shall include materials and equipment to encourage muscular activity; social and dramatic play; intellectual growth and creative expression; and shall be of safe construction and materials and easily cleaned. The nursery shall have permanent outdoor play equipment.

#### Standards of Service

43. The nursery's admission and intake policies shall be defined, formulated and commensurate with the needs of the children and with the purpose of the program.

44. The nursery program shall be appropriate to the defined purpose of the nursery and shall not be a duplication of the elementary public school curriculum.

45. The nursery shall establish definite financial agreements and fee policies for the children served.

46. The nursery shall have and maintain social, factual and medical data regarding each child and his family.

47. The nursery shall establish definite medical policies with respect to admission and readmission with provision for the following mandatory requirements.

The nursery shall require each child to have a preadmission physical examination and immunizations for smallpox, diphtheria, whooping cough, tetanus and any other immunization the local or state health authority deems necessary. A child without immunizations shall be admitted only when such procedures are started immediately. Booster shots shall follow recommendations as set forth by the Manual of "Approved Procedures and Techniques" of the State Department of Health.

Exemption—Nothing in this rule shall be construed to require medical treatment or immunization for the minor child of any person who is a member of a well-recognized church or religious denomination, and whose religious convictions in accordance with the tenets or principles of his church or religious denomination are against medical treatment for disease.

48. The nursery shall have the parents' written consent for emergency medical care for each child and shall administer no medicine to any child in care without a doctor's direct verbal or written authorization.

49. A daily health inspection shall be given each child upon his arrival at the nursery for the purpose of the early detection of signs of apparent illness, communicable disease or any unusual condition or significant behavior which may adversely affect the child or the group.

50. Any child, becoming acutely ill or injured while in care, shall be isolated from the group until other provision for care is made and he shall have immediate medical care.

51. The nursery shall plan menus so each child will receive all he needs of each of the dietary essentials.

52. Breakfast shall be available at the nursery to children who come in the morning

without it and shall be a balanced meal providing at least one-fourth to one-third of the child's total daily nutritive requirements. Children remaining at the nursery for as long as five hours shall be served a full balanced meal providing at least one-third of the child's total daily nutritive requirements.

53. The nursery shall allow at least one-half hour for eating a meal. Mealtime for the preschool age child shall not follow directly a period of extreme activity.

54. The nursery shall provide case work service to the child and to his family when needed.

55. The professional staff of the nursery shall have joint responsibility for planning for the child's discharge from the nursery.

56. In the nursery, a balance must be achieved between the stability of certain necessary routines and flexibility necessary to provide creative play experiences. Adult standards shall not be superimposed and children in care should be allowed to develop at their own rate. The same basic principles shall apply to all nursery programs and a nursery having both preschool and school age children shall develop and maintain separate programs for each classification.

57. The program for the preschool age group shall present evidence that it is closely related to the optimum development of each child and the activities planned accordingly. It shall daily include: Free, directed activity and vigorous and quiet play in and out of doors with opportunities for each child to develop free expression through work with raw materials and use of traditional materials.

58. The educational program for the nursery "school" shall be dependent upon the qualifications of staff and the program.

#### Records and Reports

59. The nursery shall keep records and reports on the children in care including:

a. A master file or index book containing identifying family information on all children given care.

b. A card file or index book for children under care.

c. A case folder for every family receiving day care service, containing identifying family information, pertinent information about each child in care and the health record of each child. These case records shall be kept in locked files at the nursery.

60. A good bookkeeping system, including proper fiscal files, shall be maintained by the nursery.

61. The nursery shall make available to the State Department of Social Welfare all reports requested and at the time requested.

#### LICENSING REQUIREMENTS FOR INSTITUTIONAL CARE

[Filed July 25, 1962]

The following rules and regulations for

children's institutions provide for the conduct of those "Children's Boarding Homes" defined in Chapter 237, Code of Iowa, which offer care to six or more children.

### 1. Organization and Administration

**1.01** Profit and nonprofit institutions shall maintain financial solvency which insures adequate care of the children and youth for whom responsibility is assumed and shall have sufficient resources, predictable income, or both, not totally dependent upon current fees, for a three months' operating period.

### 2. Personnel and Personnel Practices

**2.01** Personnel standards shall be in writing, presented to each new employee and shall be consistent with the Iowa labor statutes.

**2.02** Only persons between the ages of eighteen and seventy of good moral character, intellectual capacity and sound mental and physical health shall be employed to provide direct child care services.

**2.03** The sound health of every staff member shall be evidenced by a physical examination prior to his employment and every three years thereafter unless necessitated more frequently due to the employee's health.

**2.04** A personnel record shall be maintained for each employee setting forth the following information:

- Name and address of employee.
- Social security number of employee.
- Date of birth.
- Date of employment.
- Experience and education.
- References (information from three sources).
- Position in the agency.
- Date of discharge or resignation.
- Records of physical examinations as required.
- Hours of work.

**2.05** Each institution shall establish written ratios of child care staff to the children under care in accordance with the needs of the children which shall be approved by the state board of social welfare.

There shall be at least one staff person on duty in each building who is readily accessible to the children at all times. For girls over the age of six years, this person shall be a woman. A second staff person shall be on call and immediately available for duty in the event of an emergency.

### 3. Buildings, Grounds and Equipment

**3.01** The sanitary and health measures of the department of health shall be met.

**3.02** Each institution shall secure an annual fire inspection which shall meet the approval of the state fire marshal and shall meet the recommendations thereof.

**3.03** Local building and zoning ordinances shall be met.

### 4. Services

**4.01** The institution shall have written policies governing the type of care offered, the

requirements for admission, and the provisions made for discharge.

**4.02** The institution shall have written authorization prior to admission to provide care for each child, including authorization for medical and surgical care and hospitalization in an emergency. These authorizations shall be signed by parent or guardian and shall be filed in the child's record.

**4.03** A medical and dental health program shall be developed and carried out for each child which shall include:

- a. A physical examination within one week prior to admission.
- b. A medical and dental diagnostic evaluation.
- c. Prescribed corrective or rehabilitative treatment while in the care of the institution.

Exception: This rule is not applicable to (1) child may be admitted without a preliminary physical examination, provided that such an examination be given within three days after admission.

**4.04** A child care plan shall be developed and recorded for each child which shall incorporate, in accordance with his needs, consultations with child care, social work, educational, medical psychiatric and psychological personnel. Each child's progress shall be recorded at least quarterly and the child care plan re-evaluated annually.

**4.05** Casework services shall be provided for each child as an integral part of the program. These services shall be provided by or supervised by a social worker with one year of graduate training in an accredited school of social work, plus one year of case work experience under a qualified social work supervisor, or two years of such graduate training.

**4.06** Institutions caring for mentally retarded children shall provide the services of a clinical psychologist as an integral part of the services for each child. The psychologist providing this service shall meet the requirements of membership in the American Psychological Association.

**4.07** There shall be a consulting physician who shall develop and supervise the medical program for the institution and be responsible for the medical care of each child.

When the institution offers a program of treatment for emotionally disturbed children, the medical program for such children shall include the consultation of a psychiatrist.

**4.08** Nursing care shall be provided as directed by the designated consulting physician for the institution.

**4.09** An educational program shall be provided for each child in accordance with his abilities and needs. The educational and teaching standards established by the state department of public instruction shall be met when

an educational program is provided within an institution.

4.10 The food provided for the children shall conform to the dietary recommendations for the state department of health.

4.11 The institution shall have written policies governing religious training.

4.12 The institution shall have written policies approved by the state board of social welfare governing the discipline of the children in care.

## 5. Records and Reports

5.01 An individual case record shall be maintained for each child and this shall include the following:

a. Identifying information about the child and his family:

- (1) His full name, birthplace and date.
- (2) Parents' full names, including mother's maiden name.
- (3) Parents' address.
- (4) Religion of parent and child, if not the same.

b. Statement indicating who has legal custody, if other than parent, or court order.

c. Placement agreements and medical authorizations signed by parent or legal guardian. (Item 4.02)

d. A record of all medical and dental examinations and treatment. (Item 4.03)

e. Psychological examination and recommendations when required under item 4.06.

f. Summarized reports, at least quarterly, of child's progress and development while under care. (Item 4.04)

g. Reports of child care staff.

## STANDARDS FOR APPROVAL OF COUNTY INSTITUTIONS TO WHICH NEGLECTED, DEPENDENT AND DELINQUENT CHILDREN MAY BE LEGALLY COMMITTED

[Filed December 19, 1962]

### Buildings, Grounds and Equipment

1.01 Sanitation and health measures as determined and specified in the "Sanitation Handbook for Institutions for Children" compiled by the department of health and issued by the department of social welfare are met.

1.02 Each institution secures an annual fire inspection approved by the state fire marshal and meets the recommendations thereof.

1.03 Local building, zoning, sanitation and fire safety ordinances are met.

### Personnel

2.01 The county boards of supervisors or the court, or the two acting jointly, employ a superintendent and a matron, together with such additional staff as they determine necessary for the sound and effective operation of the home.

2.02 Persons between the ages of eighteen and seventy years, of unquestionable moral character, good intellectual capacity, sound physical and mental health, and an ability to work constructively with children and youth are employed.

2.03 There is at least one staff person on duty in each building at all times who is readily accessible to the children and youth; such staff person is a woman when the care of girls over six years of age is involved; and at least one other staff person is on call and readily available for duty in case of an emergency.

### Program

3.01 The institution has established a program of service and care which is focused on the best interests of the child, is nonpunitive in nature and focused not only on the immediate needs of the child but also directed toward long-term goals.

3.02 The institution has developed a statement of both admission and discharge policy which clearly designates those children eligible for admission, the circumstances under which admission may be effected and the manner in which discharge takes place.

3.03 Children and youth held in secure detention are, insofar as is practical, kept separate and apart from those given shelter care and are segregated by sex.

3.04 A child care plan is developed by the institution for each child which incorporates, in accordance with his needs, consultation with child care, probation services, social work, educational, medical, psychiatric and psychological personnel.

3.05 The institution has a consulting physician whose duties include the development and supervision of a medical program for the institution and be responsible for the medical care of each child.

3.06 Nursing service is available as directed by the consulting physician.

3.07 The institution has a planned program of daily activity which provides for each child, in accordance with his individual needs, both recreation and education. Children and youth held in detention have freedom of movement and exercise at all times and at no time continuously confined in a locked room or cell for more than twenty-four hours.

3.08 When an educational program is established within the institution it meets the educational and teaching standards established by the state department of public instruction. [Amended December 20, 1962]

3.09 Food provided for the children conforms to the dietary recommendations of the state department of health.

### Reports

4.01 The institution makes an annual report as provided in Section 232.38, Code of Iowa.

## STANDARDS FOR CHILDREN'S BOARDING HOMES

**Authority**

Since 1925, the laws of Iowa have recognized the responsibility of the state for safeguarding the interests of children cared for away from their own homes. At that time, the first children's boarding home law was passed, requiring certain homes caring for children to be inspected and licensed by the bureau of child welfare of the board of control. The Child Welfare Act of 1937 (chapter 235 of the Code of Iowa) transferred this duty to the Department of Social Welfare (section 235.3). In order to insure minimum standards of child care in boarding homes, the state Board of Social Welfare is directed by law to formulate rules and regulations for the conduct of such homes, with which all boarding homes must comply.

**General Provisions**

1. **DEFINITION BY AGE AND NUMBER OF CHILDREN:** The law limits the necessity of securing a license to homes boarding three or more children under fourteen years of age at any one time. Agencies should, however, safeguard children entrusted to their care by applying the same minimum standards to homes caring for less than three children and to those over fourteen years of age. It is not necessary for three children to be in the home at all times to keep the license active. A home equipped for and prepared to give care to three or more children can retain a license, even though the active population is less.

2. **TUITION:** When a boarding home is licensed, the school district is entitled to receive tuition from the state department of public instruction for any children attending school whose parents or guardians do not reside in the same school district as the boarding parents, and who are public charges (section 238.23 of the Code of Iowa). Tuition privileges do not stop when the child becomes fourteen years old. The tuition law says "any child of school age."

3. **CERTIFICATE OF APPROVAL:** The division of child welfare will issue upon request of the supervising agency, and after a satisfactory inspection, a Certificate of Approval to boarding homes which can provide adequately for only one or two children. This certificate is a token of recognition of the fact that the home meets all the standards for a licensed home, but it does not afford the privilege of school tuition.

4. **DAY CARE HOMES:** Private homes caring for children during the daytime only (chiefly for employed mothers during the war emergency) must comply in general with the same standards as full-time care homes, and must be licensed to care for more than two children at a time.

**Licensing**1. **RELATIONSHIP OF THE DIVISION OF CHILD WEL-**

**FARE TO CHILDREN'S BOARDING HOMES:** The division of child welfare of the state Department of Social Welfare has the sole power to issue or revoke a license for the conduct of a children's boarding home.

**VISITATION AND INSPECTION:** The division of child welfare, through its officials or authorized agents, may visit and inspect a children's boarding home at any time, but it is required to visit each home every six months.

Applications to operate a boarding home, signed by the foster parents, shall be submitted to the division of child welfare of the state Department of Social Welfare, through the supervising agency.

All permanent records pertaining to children's boarding homes shall be kept in the files of the division of child welfare, which records shall include the license, foster home evaluations, reports of sanitary inspection, master file card, and population reports.

2. **DURATION OF LICENSE:** A license for the conduct of a children's boarding home is effective only for the period of one year from the date of issue. If the boarding family should move to another location, the new residence must meet the housing and sanitation standards of the state department of health in order to keep the license in force. Licenses will be renewed only upon a re-evaluation of the boarding home. Withdrawal or cancellation of a boarding home application must be reported to the division of child welfare of the state Department of Social Welfare.

3. **LIMITATION IN NUMBER OF CHILDREN:** A license shall not be issued for more than four children, except by special permission of the director of the division of child welfare. This number shall include boarding children over fourteen years of age. There should be no more than two children under two nor a total of more than six children under fourteen years of age, boarding and own, in the boarding home at one time. An exception may be made to this standard if necessary to keep together a large family of children needing boarding care, or for children who remain in the boarding home for short periods only. Institutions caring for larger numbers of children will also be licensed under the boarding home statutes.

The number of children which may be cared for at any one time in the home of the applicant is specified in the license and may not be exceeded without permission of the division of child welfare of the state Department of Social Welfare.

4. **SUPERVISION:** A license shall not be issued to a boarding home applicant independent of a supervising agency which must be approved by the division of child welfare, state Department of Social Welfare. Boarding homes should not accept children for care from more than one agency at the same time.

5. **COMPULSORY HEALTH REPORTS:** A report of the sanitary and health conditions of the boarding home premises must be submitted



each year before a license can be issued. Such inspection shall be as directed by the state department of health.

The report of the sanitary conditions of the boarding home premises applies only to the residence occupied at the time of application. Any change of address shall require a new health or sanitary inspection.

6. **REVOCAION OF LICENSE:** Intentional or persistent violation of any one of the rules and regulations for the conduct of children's boarding homes shall be cause to revoke a boarding home license.

7. **POSTING OF LICENSE:** The statute requires the posting of the license in a conspicuous place in the licensed home (section 237.10 of the Code of Iowa). How this will be done may be left to the discretion of the individual boarding mother.

### Physical Standards

1. **LOCATION OF BOARDING HOME:** The boarding home must be in a reputable neighborhood, and one that is conducive to the health and safety of the child.

The boarding home must be accessible for church and school attendance, and for medical and supervisory service.

#### 2. BUILDING AND EQUIPMENT:

a. **Sanitation:** The boarding home shall conform in fire protection, building construction, sanitation, and maintenance to the ordinances of the city in which it is located and to the laws of the state. Each home shall conform in the above and in the following manners to the standards and regulations of the state department of health: Refrigeration of food; the size, ventilation and lighting of sleeping rooms; the screening of all openings to the house; heating facilities; the adequacy of indoor and outdoor play space for children; the water supply; sewage disposal; toilet facilities; and garbage disposal; and to any other question relating to health and sanitation and safety. This will be determined for each home at the time the health inspection is made.

Standards for cleanliness throughout the premises and the housekeeping shall be reasonably good and of the standard set by the supervising agency. However, the emphasis should be on homemaking rather than on housekeeping.

b. **Health Requirements:** Isolation quarters shall be provided for children with contagious diseases.

Separate beds shall be provided for each child and equipped with comfortable springs, clean mattress and bedding. Children of the same family and sex shall constitute the only exception to this standard.

Usually not more than four children should sleep in one room even though the room has sufficient cubic air space to comply with the housing law.

No bed for a boarding child shall be placed in an attic, basement, stairway, storeroom or

unfinished room. It is not advisable to provide sleeping quarters for boarding children in rooms used for general family purposes, i.e., kitchen, dining room, living room.

### Personal Qualifications of the Boarding Home

1. **CHARACTER:** All members of the household must be of good character, habits, and reputation.

2. **HEALTH:** All members of the household must be in good health with no disqualifying physical or mental handicaps. All members of the foster family shall be free from communicable disease and history of present and recurring mental disease. Acceptable evidence of this fact shall be required.

3. **FINANCIAL STATUS:** The financial status of the foster family should be such that the security to the child will not be jeopardized.

4. **OCCUPATIONAL LIMITATIONS:** The foster mother shall not regularly be employed outside her home. No boarding home shall conduct a rooming or boarding house, or carry on any commercial work which is or will be a detriment to the welfare of the child.

Homes caring for convalescent or maternity patients may not be licensed as boarding homes for children, and boarding homes may not accept convalescent or maternity patients.

Homes used for the care of aged persons are not to be used for the care of children except where the aged persons, by virtue of their relationship or long standing friendship, are considered a part of the family group.

5. **FAMILY RELATIONSHIPS:** Home life should be harmonious enough to give the children the emotional stability they need. All members of the family must be willing to accept the boarding child into the home as a member of the family group. They should be able to give the child experience in normal family life.

6. **RELIGION:** So far as it is practicable, boarding parents should be of the same religious belief as the parents of the child.

### Care of the Child

1. **MEDICAL CARE:** A thorough physical examination of each child shall be provided by a competent physician upon admission to the boarding home. Foster parents should insist upon being assured of the physical fitness of the child before accepting him as a member of the household.

Diagnosis and treatment in case of illness or accident shall be given by a competent physician. No "home remedies" shall be regularly administered by foster parents without the knowledge and approval of a physician and the supervising agency.

To provide for emergency illness and accidents, every boarding home shall provide itself with first aid equipment and shall receive instructions for its use by a physician or a registered nurse.

A report of the child's illness, injury and temporary indisposition shall be made as soon

as possible to the supervising agency, or to the child's parents if the child was placed directly by them in the foster home.

**2. SOCIAL AND HYGIENIC CARE:** Management of the foster home must be conducive to regularity in habits of sleeping and eating and the care of the body.

The standards of cleanliness and personal hygiene used in the care of the child, taught to him, and maintained by the foster family, shall be in conformity with good health practices and ordinary social acceptability.

A nutritious and adequate dietary shall be established. A formula for feeding infants shall be prescribed by a physician.

Children over six years of age, and preferably not over four years, shall not sleep in the same room with children of the opposite sex.

No child over three, and preferably not over one year of age, shall regularly sleep in a room with the boarding parents.

Individual toilet articles such as combs, toothbrushes, towels and wash cloths shall be provided. Adequate space shall be set aside for each child's clothing and personal possessions.

The clothing of the child shall be clean and neat and of such quality as not to distinguish it from other children in the community.

**3. STATUS OF CHILD IN THE HOME:** The child shall be treated as a member of the foster family during the period of his care, sharing the privileges and duties of the household according to his age and capacity, and receiving care and training according to his special abilities or limitations.

**4. SCHOOL AND CHURCH ATTENDANCE:** Children of suitable age shall attend regularly church services and religious schools of their own religious faith insofar as is reasonable and possible. Any deviation from this rule shall be discussed with the supervising agency. Children shall attend public or parochial schools regularly as provided by law except during periods of illness or for other adequate reasons approved by the supervising agency.

**5. RELATIONSHIP TO SUPERVISING AGENCY:** Foster parents shall consult with the supervising agency at all times with regard to care and training of the foster child and on plans for him when it involves more than the day-by-day routine. Foster parents' relationship with the child's own family shall not include plans for the foster child without the knowledge of the supervising agency.

Foster parents must secure permission from the supervising agency before taking or allowing the child to go on vacation trips, visits to relatives, etc.

A boarding child must be left in charge of a competent adult person, who has been approved by the supervising agency, during the absence of the foster parents.

Exception is made to these procedures in the case of parents who have their children cared for in boarding homes temporarily and

retain full legal control of them, in which case parental consent is necessary.

### Records and Reports

**1. ADMISSION AND DISCHARGE:** The foster parents shall keep a permanent register of all children accepted for care. The register shall have recorded in it, the child's full name, the name and address of the parents or guardian, the name of the supervising agency, date of admission, date of discharge, and the name of the agency or persons to whom the child was discharged.

**2. MONTHLY REPORTS:** Monthly reports of the number of children in each boarding home shall be submitted by the supervising agency to the division of child welfare of the state Department of Social Welfare on forms supplied by the division of child welfare.

The licensed child-placing agencies will use Forms CW-2702 and CW-2703.

#### A RULE RELATING TO THE USE OF FEDERAL FUNDS IN THE PAYMENT OF FOSTER CARE

[Filed April 22, 1959]

### Use of Federal Funds in the Payment of Foster Care

Foster care payment is defined as foster care service for which payment may be made by the Department from federal funds.

The reimbursement from federal funds for foster care payment is available to a county department of social welfare for a child or youth under the age of twenty-one receiving services and residing in an approved foster family home under public or private agency supervision, or for a child who is living in an approved care facility under voluntary or public support (excluding state institutions); and is in need of financial support because one or more of the following conditions has deprived him of parental support:

1. The death, physical or mental incapacity, or continued absence from the home of one or both parents.

2. The abandonment of the child by his parent, guardian or custodian.

3. The neglect or refusal to provide proper subsistence, education, medical or surgical care, or other necessary care for the child's health, morals or well-being, providing a juvenile court has assumed temporary responsibility.

4. Foster care service has been voluntarily requested by his parent, guardian, or custodian but without the ability of the person responsible for him to pay all or a portion of the cost of foster care.

An approved foster family home or an approved child care facility is one which holds either a "Certificate of License" or a "Certificate of Approval" issued by the state board of social welfare.

Each county department of social welfare

is responsible for making available service and payment for all types of foster care when needed. Foster care services are a basic part of the county child welfare program.

County departments are responsible for paying their share of the cost of foster care for children having settlement within their borders, in accordance with the provisions of chapter 252, Code of Iowa. When a child's settlement cannot be determined or when he has no settlement in this state, the county department giving service would be reimbursed from federal funds for the full cost of such care.

Reimbursement to county departments will be made from federal funds on a ratio determined by the relationship between the amount of federal funds budgeted by the state board of social welfare, less the funds used for children or youth without legal settlement in an Iowa county, and the total cost submitted by all counties active in the program for a given month.

The plan made for foster care for a child shall be approved by an authorized representative of the county board of social welfare and shall be subject to review and acceptance by the state department of social welfare.

Reimbursement from federal funds shall be made for the following costs of foster care:

1. For basic foster care in a foster family home under public or private agency super-

vision and for such care in an agency or in an institution.

2. An allowance beyond the basic rate for special care may be made within the limits established by the state board.

3. Clothing as needed and approved by the county department.

4. Medical care and drugs as needed and approved by the county department.

5. Transportation as approved for special purposes by the county department.

As far as practicable, the child's parents shall carry as much of the cost of foster care as they are financially able to bear without jeopardizing their personal and family security.

Reports shall be received by county departments at not less than six-month intervals from all private agencies or other public facilities providing foster care services, indicating the progress of the child or youth in such care.

County departments shall maintain the necessary financial records as developed by the state department in its procedures covering its activities in relation to foster care payment. Such records shall be made available for audit and shall be subject to review by the employees of the State Department.

County departments shall certify each month the expenditures that have been made from county funds as foster care payments on the forms provided by the State Department.

## TAX COMMISSION

### RULES RELATING TO THE ASSESSMENT AND COLLECTION OF THE INDIVIDUAL INCOME TAX ON RESIDENT AND NONRESIDENT INDIVIDUALS, PARTNERSHIPS, ESTATES AND TRUSTS AND THE BUSINESS TAX ON DOMESTIC AND FOREIGN CORPORATIONS

[Filed September 27, 1955]

#### INCOME TAX REGULATIONS

**22.4-1 Definitions.** Words and phrases not defined in the Act, but used herein, are defined by the commission as follows:

a. "Carrying on trade or business" and similar terms:

1. The terms "trade or business carried on" and "carrying on a trade or business" mean a regular and systematic course of transactions with the public (whether by the owner or by his agents or other representatives) at or from a store, a shop, a factory, an office, or an agency, such activity being carried on with a fair measure of permanency and continuity.

2. These terms do not include any casual or isolated transactions, income in the form of compensation for labor or for personal services rendered, transactions or activities the income from which may be exempt from taxation. These terms include the practice of a profession and the renting of properties.

3. If a taxpayer pursues an undertaking constantly, relying on his profit therefrom for his income or a part thereof, he is carrying on a business or occupation. A "trader" in securities who trades regularly and constantly with the public on his own account and makes it his business is carrying on a trade or business.

4. The owning and renting of real estate is regarded as a trade or business.

b. The term "fair market value" has been judicially defined as being "the price which property will bring when it is offered for sale by one who is willing, but is not compelled to sell it, and is bought by one who is willing or desires to purchase, but is not obligated to do so." The term implies the existence of a public of possible buyers at a fair price, and recognizes that the property has no "fair market value" when market conditions are such that there would be no trading in the property in question at a fair price.

c. The words "include" and "including" as used in these regulations shall not be deemed

to exclude things otherwise within the meaning of the term defined.

d. The term "income tax" includes personal net income tax and the business tax on corporations.

e. The words "intangible property" mean money, bank deposits, shares of stocks, bonds, notes, credits, evidences of debt, choses in action, or evidence of interest in property, and all property other than tangible property.

f. The words "integrated with" mean inseparably connected with.

g. The words "tangible property" mean real property and personal property that has bodily form and substance, and does not include property defined as intangible property.

h. The term "computed tax" means the amount of tax remaining after deduction of personal exemption, and credit for dependents.

**22.5-1 Who are taxpayers.** The word "taxpayer" includes under this division:

a. Every resident of the state of Iowa;

b. Every estate and trust resident of this state whose income is in whole or in part subject to the state income tax;

c. Nonresident individuals and estates and trusts (those with situs outside of Iowa) receiving taxable income from property owned in Iowa or from business, trade, profession or occupation carried on or followed in this state.

A minor or an incompetent may also be a taxpayer. [Amended August 24, 1962]

**22.5-2 Meaning of domicile.** In general the terms "domicile" and "residence" are frequently used synonymously; however, they are not, when accurately used, convertible terms. "Domicile" is of more extensive significance than "residence" and includes beyond mere physical presence at the particular locality positive or presumptive proof of an intention to constitute it a permanent abiding place. "Residence" is of a more temporary character than domicile. What constitutes domicile is a question of fact rather than of law, frequently depending upon a variety of circumstances and the commission may require a statement of circumstances in determining a particular case.

A domicile once acquired continues until a new one is acquired by intent to change, actual removal and a new abode, with abandonment of the former domicile. Receipt by a taxpayer of a homestead tax credit is deemed conclusive evidence of Iowa domicile. Where a resident of Iowa removes to another state and establishes his residence in such other jurisdiction, but retains the voting privilege in Iowa, such individual is held not to have abandoned his Iowa domicile, and the state income tax will be legally imposed upon the entire income of such individual. Prima facie, the wife's domicile follows that of her husband. Ordinarily the domicile of an infant follows that of the father and after his death

that of the mother until remarriage. The domicile of a ward is not necessarily determined by that of the guardian.

Domicile of members of the armed forces is to be determined as follows:

a. *Residents.* Persons who were residents of Iowa at the time of becoming members of the armed forces will be considered as continuing to be residents of Iowa, notwithstanding absence from the state by reason of such service.

b. *Nonresident.* Conversely, persons who were nonresidents of this state at the time of becoming members of the armed forces will not be held subject to the Iowa income tax by reason of their presence in this state in pursuance of military orders.

**22.6-1 Fiduciary defined.** A "fiduciary" for income tax purposes is one who holds in trust an estate to which another has the beneficial title, or in which another has a beneficial interest, or receives and controls income of another, as in the case of a receiver. There may be a fiduciary relationship between an agent and a principal, but the word "agent" does not denote a fiduciary.

**22.6-2 Taxing income from estates and trusts.** An estate or trust is a taxable entity. A fiduciary may compute the income of the estate or trust on either a "cash basis" or an "accrual basis" depending upon the method of accounting used by him. In filing its first return an estate may choose the same accounting period as the decedent, or it may choose a calendar year or any fiscal year it wishes. If it chooses the same accounting period as the decedent had, its first return will be for a short period to fill out the unexpired full year of the decedent. A full-year specific exemption credit is allowed on a short-period return, without proration. If the estate or trust is required to file a federal income tax return, the basis used on the state return must be the same as that used on the federal return.

**22.6-3 Taxable income of estates or trusts.** In the case of estates or trusts, the words "taxable income" mean the taxable income (without a deduction for personal exemption) as computed for federal income tax purposes under the Internal Revenue Code of 1954, but with the adjustments specified in section 422.7, Code of Iowa, 1954. Under the provisions of the Internal Revenue Code of 1954, the taxable income of an estate or trust is found by subtracting from its gross income allowable deductions, amounts distributable to beneficiaries, to the extent of its distributable net income, and the proper exemption amount. This is the case whether the fiduciary is an individual, a group of individuals, a corporation, or other representative.

The Internal Revenue Code of 1954 provides that gross income of an estate or trust includes:

1. Income accumulated in trust for the benefit of unborn or unascertained persons or per-

sons with contingent interests, and income accumulated or held for future distribution under the terms of the will or trust;

2. Income which is to be distributed currently by the fiduciary to the beneficiaries, and income collected by the guardian of an infant which is to be held or distributed as the court may direct;

3. Income received by the estate of a deceased person during the period of administration or settlement of the estate; and

4. Income which, in the discretion of the fiduciary, may be either distributed to the beneficiaries or accumulated.

However, all these items eventually are not entirely taxed to the estate or trust. The income in (1) is taxed to the estate or trust; the income in (2) is usually deductible by the fiduciary and is taxed to the beneficiary, whether distributed or not; the income specified in (3) and (4) may be eventually taxed to the fiduciary or to the beneficiary, depending upon the amounts which are properly paid or credited to the beneficiary.

**22.6-4 Period of administration defined.** The "period of administration or settlement of the estate" is the period required by the executor or administrator to perform the ordinary duties pertaining to administration, the collection of assets and the payment of debts or legacies. It is the time actually required for this purpose, whether longer or shorter than the period specified in the statute for the settlement of estates. Where an executor, who is also named as trustee, fails to obtain his discharge as executor, the period of administration continues up to the time when the duties of administration are complete and he actually assumes his duties as trustee, whether pursuant to a court order or not.

**22.6-5 Filing individual returns for a decedent.**

a. An executor or administrator of the estate of a deceased person shall file a final individual income tax return for the decedent for the year of decedent's death. Either Form IT-1 or Form NR-1 should be used, depending on whether decedent was a resident or nonresident of Iowa. Such return is due on or before the last day of the fourth month after the expiration of the decedent's normal tax year.

A return for the period starting with the decedent's normal tax year to the date of death may be submitted in advance of its regular due date however, and, in some cases, may be necessary in order to obtain the certificate of acquittance as provided in section 422.27, Iowa Code, 1958, as amended.

In making such return the fiduciary shall use the same method of computing the income, either the cash or accrual basis, as was last used by the decedent in reporting income prior to death. If the commission discovers from an examination of such return or of the fiduciary return for decedent's estate, or otherwise, that

decedent had not filed Iowa individual returns for prior years, and where it appears that decedent may have had sufficient taxable income to require returns from him, the fiduciary shall be responsible for making and filing individual returns for the decedent for the preceding taxable years. In any case where there is no fiduciary acting and no administration is had on decedent's estate at the time the final Iowa individual return of income for the decedent is due, then the surviving spouse, if there is one, or next of kin of decedent who has knowledge of decedent's income shall be responsible for making and filing such decedent's final return. Such accounting of a decedent's income will be required before the certificate of acquittance mentioned in subsection 1 of section 422.27, Code of Iowa, 1954, will be issued.

b. A joint return may be filed where one or both spouses die during the year, where the taxable year of both begins on the same day, whether such year is a fiscal or calendar year. The fiduciary of decedent's estate may join with the surviving spouse in the filing of a joint return. In the case of a joint return, it is made for the regular taxable year of the survivor and the short period of the decedent.

A joint return cannot be filed where the surviving spouse remarries before the close of the taxable year in which the decedent died, nor can such joint return be filed in those cases where it is necessary to file a return for the decedent (for a short period) in advance of its regular due date as provided in paragraph "a".

c. If the decedent was on the accrual method of accounting, then amounts which would accrue only because of his death are not to be included on his final individual return.

d. Deductions of a decedent are not to be accrued on his final individual return unless his accounting method require it, but are deductible instead by the estate or other person who paid them or is liable for their payment.

e. In general, the same rules must be applied to a final individual return for a decedent as in the case of any living taxpayer.

f. A final individual return for the year that death occurred is required for a decedent if his taxable income amounted to six hundred dollars or more. If no such return is required in any case, then the fiduciary of decedent's estate, if one is acting, or the surviving spouse or next of kin, shall advise the fiduciary income tax department of the Iowa state tax commission by not later than the last day of the fourth month after the expiration of the decedent's normal tax year that no final individual return for decedent was required.

g. No proration of the personal exemption credit is required because of death of decedent during the taxable year. On the final separate return of a decedent the deceased is entitled to the personal exemption credit of a single person and to the single person exemption credit of the surviving spouse if the survivor

had no gross income and was not a dependent of anyone else provided, however, that the exemption of the surviving spouse will not be allowed on a return required to be filed (for a short period) in advance of its regular due date as provided in paragraph "a". A decedent, who furnished over half the support to a person otherwise qualifying as a dependent, would be entitled to the full exemption for such dependent, without proration.

h. In computing income of a decedent for tax years commencing after December 31, 1954, the provisions of chapter 208, Acts of the 56th G. A. are to be followed.

i. The final individual return of income for a decedent or the joint return of a surviving spouse and a decedent shall be mailed to or delivered to the Iowa State Fiduciary Income Tax Division, State Office Building, Des Moines 19, Iowa. [Amended August 24, 1962]

**22.6-6 Fiduciary returns of income for estates and trusts.**

a. Fiduciary returns of income for estates and trusts are to be made on Form IT-4. A copy of the federal fiduciary return must accompany Iowa Form IT-4. Such returns are due on or before the last day of the fourth month after the expiration of the tax year of the estate or trust. Such returns shall be mailed to the Iowa State Fiduciary Income Tax Division, State Office Building, Des Moines 19, Iowa. [Amended August 24, 1962]

b. An estate or trust is allowed to establish as its taxable year a calendar year or fiscal year, depending on what basis the accounting records of the estate or trust are kept. In the case of an estate for a deceased person, the first fiduciary return of income should ordinarily commence with the day next after date of decedent's death, and in making such first return the estate may choose the same accounting period as the decedent, or it may choose a calendar year or any fiscal year it wishes. The state of Iowa fiduciary return must cover the same period of time as that covered by a federal fiduciary return for the estate or trust for the particular year. [Amended August 24, 1962]

c. If the gross income of an estate or trust for a tax year amounts to six hundred dollars or more, the fiduciary thereof shall make and file an Iowa fiduciary return of income for the estate or trust. In the case that the estate or trust is ready for closing and where the fiduciary applies for an income tax clearance certificate for filing under the provisions of section 422.27, Code of Iowa, 1954, there shall be filed a final fiduciary return for the estate or trust regardless of the amount of income or whether any income was received by the fiduciary. Such final fiduciary return shall be filed at the time application is made for such certificate of acquittance, and will be required regardless of whether or not the fiduciary makes a federal fiduciary return of income covering such final period of time. [Amended August 24, 1962]

d. A fiduciary in making an Iowa fiduciary return for an estate or trust shall include thereon all items of income reported or reportable for federal income tax purposes under the Internal Revenue Code of 1954. In determining the Iowa taxable income of the fiduciary, the personal exemption deduction of the fiduciary for federal income purposes cannot be taken. The adjustments specified in section 422.7, Code of Iowa, 1958, as amended, must be made. [Amended August 24, 1962]

e. A fiduciary in taking deductions from income of an estate or trust on an Iowa fiduciary return shall include items of deductions reported or reportable for federal income tax purposes under the Internal Revenue Code of 1954, but in taking a deduction for taxes paid or accrued, the fiduciary is permitted to take a deduction for federal income tax paid or accrued by the estate or trust in the tax year, but the amount of such deduction shall be adjusted by any amount of federal income tax refunded to the estate or trust in that tax year, so that the said refund will be made subject to the Iowa tax. Also, for Iowa income tax purposes, the fiduciary will not be permitted to include as a deduction any amount of Iowa income tax paid by the fiduciary.

f. The fiduciary shall show on the Iowa fiduciary return the amount of income of the estate or trust distributed or distributable to beneficiaries as reported on the federal fiduciary income tax return, and shall also show the amount of taxable income of the estate or trust distributed or distributable to beneficiaries for Iowa income tax purposes. In those cases where for federal income tax purposes only part of the year's income is distributed or distributable to beneficiaries, the distribution for federal income tax purposes will differ in most cases from the amount that for Iowa income tax purposes is distributed or distributable. Such difference being brought about by adjustments to income and deductions required under the Iowa income tax law as amended. The amount of income to be shown on the Iowa fiduciary returns as distributed or distributable shall bear the same ratio to the net income of the estate or trust for Iowa income tax purposes as that between the amount distributed or distributable for federal income tax purposes and the net income for such federal income tax purposes.

Example: A trust has income and deductions for federal and Iowa income tax purposes as follows:

	Federal	Iowa
Total income .....	\$20,000.00	\$18,000.00
Deductions .....	4,000.00	8,000.00
Interest, taxes, depreciation, charitable deductions and miscellaneous deductions		
Net Income .....	\$16,000.00	\$10,000.00





filed with the return for the taxable year in which the amendment was made. Where a statement is made by the fiduciary to the effect that the immediate filing of the will, trust instrument, or inventory will work undue hardship on the fiduciary, such return may be filed as soon as practical after the filing of the return, but not more than three months later. [Amended August 24, 1962]

#### **22.6-8 Returns by guardian.**

a. A guardian of a minor or of any other person under legal guardianship must make a return of income for his ward and pay the tax due thereon in those cases where the ward has gross or net income sufficient in amount to require the filing of a state income tax return, unless, in the case of a minor under guardianship, the minor himself proceeds to make and file his return or causes it to be made and filed. In the case of an incompetent ward who is married and living with husband or wife, the aggregate gross or net income of such husband and wife will be controlling in determining whether a return must be made. Ordinarily, the individual income tax blank should be used.

b. In the case of a guardian of a minor, an incompetent person or other ward, where it becomes necessary to terminate the guardianship matter and to have the certificate of the commission to file with the guardian's final report to the court, the guardian shall make a final fiduciary return on Form IT-4. Such fiduciary return shall reflect the income (if any) received by the guardian during the period commencing with the ward's regular tax year to the date of termination of the guardianship matter. The fiduciary return mentioned heretofore shall also be filed in cases where the death of the ward is the reason for requesting a certificate of acquittance. The income shown on the fiduciary return shall be shown as distributed to the ward and will be taxable on the ward's current year return (IT-1), or on the final return Form IT-1 if the ward is deceased. Under no circumstances is tax due and payable on such fiduciary return. The return in these cases is merely an information return. In cases where more than one ward is under guardianship, a separate fiduciary return (IT-4) must be filed for each ward. A final return of a deceased ward is required to be filed if the taxable income for such final period amounts to six hundred dollars or more. If no individual returns of income have been filed by or for the person under guardianship for the years prior to the year of closing the guardianship, a statement must accompany the final return explaining why no such returns were filed.

c. The first return of the ward shall be accompanied by a list of the assets in the guardianship matter. If no returns are required to be filed, then such lists shall accompany the fiduciary return mentioned in paragraph "b" above. [Amended August 24, 1962]

#### **22.6-9 Income of estates and trusts taxed to the beneficiaries.**

a. In any case where income of an estate or trust is distributed or distributable for federal income tax purposes to beneficiaries, and a deduction is taken for the amount of such distributed or distributable income determining the taxable income of the fiduciary, the beneficiaries to whom the income was paid or credited shall include their respective shares of such income on their individual returns in reporting income to this state. Nonresidents of Iowa beneficiaries are required to report to this state only such part of their distributive share of income of an estate or trust as is derived from Iowa sources.

b. Amounts of income of estates and trusts shown distributed or distributable to beneficiaries on federal fiduciary returns of income will in most every case not be taxable in the same amount to the respective beneficiaries in reporting the income of such beneficiaries for Iowa income tax purposes. If the fiduciary of the estate or trust fails to advise the beneficiary as to what part of his distributive share of the income is subject to the Iowa income tax, the beneficiary should make inquiry before proceeding to report such income on his Iowa individual return, so that he may make necessary and proper adjustments to the amount of his distributive share of such income in determining his Iowa taxable income.

c. Capital losses of an estate or trust will reduce the taxable income of the estate or trust, but no part of the loss is deductible by the beneficiaries. If the estate or trust distributes all of its income, the capital loss will result in no tax benefit for the year of the loss. However, under the Internal Revenue Code of 1954, on termination of an estate or trust, any unused capital loss carry-over of the estate or trust is available to the beneficiaries.

d. If the taxable year of a beneficiary is different from that of the estate or trust, the amount to be included in the gross income of the beneficiary shall be based on the distributable net income of the estate or trust and the amounts paid, credited, or required to be distributed to the beneficiary during any taxable year or years of the estate or trust ending within or with his taxable year.

e. A beneficiary of an estate or trust in reporting on his Iowa income tax return his distributive share of the income thereof shall show the name and location of the estate or trust.

**22.7-1 Adjusted gross income for federal income tax purposes under the Internal Revenue Code.** [As amended through 1960.] In determining Iowa taxable income, each taxpayer starts with the adjusted gross income which he reported for federal income tax purposes for the year. This must be used even though it contains income which the state of Iowa is constitutionally prohibited from taxing. Adjustments to that starting amount are de-



scribed in rules 22.7-2 through 22.7-4 and 22.7-11 through 22.7-13. The proper handling of adjusted gross income and adjustments where spouses file separate returns is described in rule 22.7-7. [Amended August 24, 1962]

**22.7-2 Interest and dividends from federal securities.** The state is prohibited by federal law from taxing dividends received from corporations owned or sponsored by the federal government, or interest derived from obligations of the United States, and its possessions, agencies and instrumentalities. Therefore, if adjusted gross income for federal income tax purposes included any dividends or interest of this type, an adjustment must be made on the Iowa return, deducting the amount of such dividends or interest.

Any interest or dividend received from the following sources is exempt and to be deducted:

Commodity Credit Corporation  
Farmers Home Corporation  
Federal Deposit Insurance Corporation  
Federal Farm Loan Corporation  
Federal Home Loan Banks  
Federal Intermediate Credit Banks  
Federal Land Banks  
Federal Savings and Loan Insurance Corporation  
National Farm Loan Associations  
Joint Stock Land Banks  
Home Owners' Loan Corporation  
Production Credit Corporation  
Central Bank for Cooperatives  
Reconstruction Finance Corporation  
United States Housing Authority  
United States Maritime Commission  
War Finance Corporation  
Federal Housing Administration  
National Mortgage Associations

Any interest or dividend received from the following sources is not exempt:  
Federal or State Savings and Loan Associations

Tennessee Valley Authority  
Panama Canal Bonds  
Philippine Bonds  
Building and Loan Associations  
Exempt State Corporations

Interest received in the following instances is not exempt:

- a. On refunds of federal income tax.
- b. On interest-bearing certificates issued in lieu of tax exempt securities, such income losing its identity when merged with other funds.
- c. On debentures issued to mortgagees of mortgages foreclosed under the provisions of the National Housing Act.
- d. On promissory notes of a federal instrumentality.

**22.7-3 Interest and dividends from foreign securities, and securities of state and other political subdivisions.** Interest and dividends from foreign securities and from securities of

states and other political subdivisions are to be included in Iowa taxable income. For constitutional reasons or because of specific exemption, such interest and dividends may not have been subject to federal income tax, and therefore not included in adjusted gross income for federal income tax purposes. To the extent such income has been so excluded, it must be added to adjusted gross income in order to arrive at Iowa taxable income.

**22.7-4 Basis for purposes of determining capital and other gains and losses.** In some instances adjusted gross income for federal income tax purposes will include capital gains or losses, or gains or losses from property other than capital assets, where the basis for computing gain or loss on such property was established prior to January 1, 1934. In such case, the taxpayer may use as his basis the higher of cost, adjusted for depreciation allowed or allowable to January 1, 1934, or fair market value as of that date. If as a result of this provision a basis is to be used for purposes of Iowa income tax which is different from the basis used for purposes of federal income tax, appropriate adjustment must be made in the computation of Iowa taxable income.

**22.7-7 Adjusted gross income—separate returns by spouses.** If spouses filed a joint return for federal income tax purposes and are filing separate returns for Iowa income tax purposes, allocation of adjusted gross income between them becomes necessary. Each return must show the adjusted gross income reported on the federal return, and the division between each spouse. Income may not be allocated on arbitrary basis. Wage and salary income shall be allocated to the spouse earning the same. Income from property or business shall be allocated to the spouse owning the property or business. If the title to property or business is in one of the spouses, prima facie that property or business is owned by that spouse. Adjustments for exempt and non-exempt interest and dividends, and basis for gains and losses, shall be subject to the same rules of allocation between the spouses. Statements explaining the allocation must be attached to both returns.

**22.7-9 Interstate or foreign commerce.** Taxation of income derived from transactions in interstate or foreign commerce does not constitute such a burden on such commerce as to render the income immune from taxation by the state.

**22.7-10 Income from federal, state or municipal contracts.** Any compensation or income derived by a taxpayer from a contract performed for the United States, a state, or a political subdivision thereof, is taxable income.

**22.7-11 Capital gains occurring prior to 1955 tax year.** As capital gains and losses were not included in "gross income" and not subject to Iowa income tax, for any tax year of a

taxpayer prior to the tax year beginning in 1955, any capital gains and losses on transactions occurring in such prior tax years are not to be reflected in "taxable income" for Iowa income tax purposes even though under the method of accounting adopted by the taxpayer for federal tax purposes a portion of the gain or loss is reflected in federal taxable income for years which begin in 1955 or thereafter. For example, if a farmer sells his farm on a twenty-year contract in 1952, and reports his profit on the installment basis for federal income tax purposes, his Iowa return for 1955 and subsequent tax years should be so adjusted as to exclude that profit in determining Iowa taxable income. [Amended August 24, 1962]

**22.7-12 Installment sales made prior to 1955 tax year.** Persons engaged in the business of selling personal property who kept records on the installment basis and reported on such basis for federal tax purposes were required to report for Iowa income tax purposes on the accrual basis for tax years beginning prior to January 1, 1955. To the extent that their returns for tax years beginning January 1, 1955, or thereafter reflect installment sales reported for Iowa income tax purposes on the accrual basis in those prior years, adjustment should be made on the returns for those years beginning on or after January 1, 1955.

**22.7-13 Capital loss carry-over.** If taxpayer has a net capital loss in any tax year which began prior to January 1, 1955, and for federal tax purposes carries forward the amount of such loss to a tax year beginning on or after January 1, 1955, he, however, is not entitled to carry that amount forward to such tax years for Iowa income tax purposes, and shall make such adjustments on his Iowa return as are necessary to prevent those amounts from being reflected in his Iowa taxable income for those years.

**22.8(1)-1 Tax credit for income earned out-of-state.** If an Iowa resident pays income tax to another state or foreign country on any of his income, he is entitled to a net tax credit; that is, he may deduct from his Iowa net tax (not from gross income) the amount of income tax actually paid to the other state or country, provided the amount deducted as a credit does not exceed the amount of Iowa net income tax on the same income which was taxed by the other state or foreign country. [Amended August 24, 1962]

**22.8(1)-2 Computation of tax credit.** The limitation on the tax credit must be computed according to the following formula: Income earned in another state or country and taxed by such other state or country shall be divided by the total income of the taxpayer resident of Iowa. Said quotient multiplied times the net Iowa tax as determined on the total income of the taxpayer as if entirely

earned in Iowa shall be the maximum tax credit against the Iowa net tax. [Amended August 24, 1962]

**22.8(1)-3 Proof of claim for tax credit.** The credit may be deducted from Iowa net income tax if written proof of such payment to another state or foreign country is furnished to the state tax commission. The commission will accept any one of the following as proof of such payment:

1. A photo copy, or other similar reproduction of either

a. The receipt issued by the other state or foreign country for payment of the tax, or

b. The canceled check (both sides) with which the tax was paid to the other state or foreign country together with a statement of the amount and kind (that is, whether wages, salaries, property, or business) of total income on which such tax was paid. Or when attached to a copy of the return filed with another state or foreign country.

2. A copy of the income tax return filed with the other state or foreign country which has been certified by the tax authority of that state or foreign country and showing thereon that the income tax assessed has been paid to them.

3. If resident employees are employed in other states at intervals throughout the year, as would be the case if employed in operating trains, planes, motor buses, trucks, etc., between this state and other states and foreign countries, and are paid on a daily, weekly or monthly basis, the gross income from sources within this state includes that portion of the total compensation for personal services which the total number of working days employed within the state bears to the total number of working days both within and without the state. If the employees are paid on a mileage basis, the gross income from sources within this state includes that portion of the total compensation for services which the number of miles traveled in Iowa bears to the total number of miles traveled both within and without the state. [Amended August 24, 1962]

**22.8(1)-4** [Rescinded August 24, 1962]

**22.8(2)-1 Income of nonresidents.**

a. Except to the extent provided otherwise in section 422.8(2), all income of nonresidents derived from sources in Iowa is subject to Iowa income tax. Net income received from the carrying on of a business, trade, profession, or occupation in Iowa must be reported. Income from property, trust, estate or other source in Iowa must be reported.

Income from the sale of property (located in Iowa including that used in connection with the trade, profession, business or occupation of the nonresident) is taxable Iowa income. Any income from such property prior to its sale is also taxable income. Income received from a trust or an estate (where such income

is from Iowa sources) is taxable regardless of the situs of the estate or trust.

Annuities, interest on bank deposits and interest-bearing obligations, and dividends are allocated to Iowa only to the extent to which they are derived from a business, trade, profession, or occupation carried on within the state of Iowa.

Except that dividends received in lieu of or in partial payment of an amount of wages or salary due for services performed in Iowa by a nonresident shall be considered taxable Iowa income.

b. Income from the sale of property referred to in paragraph "a" above remains taxable Iowa income regardless of the fact that such property may be removed from Iowa prior to its sale, or regardless of the fact that such sale is consummated outside of Iowa, provided that said property was sold before subsequent use outside of Iowa. [Amended August 24, 1962]

#### **22.8(2)-2 Compensation for personal services of nonresidents.**

a. The Iowa taxable income of a nonresident includes compensation for personal services to the extent that such services were rendered within the state of Iowa. In the case of a nonresident of Iowa who is an officer or employee of a corporation that has an office or place of business in the state of Iowa, and does business in this state, and where the nonresident while located outside the state of Iowa performs duties that are connected with the management or conduct of the business of the corporation carried on within the state of Iowa, the salary or other compensation of the nonresident is not subject to the Iowa income tax, but if said nonresident comes into the state of Iowa in a tax year and performs personal services for the corporation or performs any duties in connection with the management of the business, the Iowa taxable income of such nonresident shall include that portion of his total compensation received from his employer for personal services for the tax year which the total number of working days that he was employed within the state of Iowa bears to the total number of working days within and without the state of Iowa. Compensation for personal services rendered by a nonresident of Iowa wholly outside the state of Iowa is not Iowa taxable income in the hands of such nonresident even though payment thereof be made by a resident of Iowa or from the office or other place of business in the state of Iowa of the employer or payor. If a nonresident of Iowa performs personal services within the state of Iowa for an employer only part time or part of his time during a tax year, and performs no personal services for such employer outside the state of Iowa during that year, then his entire compensation for the personal services performed in this state will be Iowa taxable income in the hands of the nonresident and must be reported to this state.

Compensation received from the United States government by nonresidents of Iowa members of the armed forces thereof who are temporarily present in the state of Iowa pursuant to military or naval orders is exempt from the state of Iowa income tax.

b. Income from commissions earned by a nonresident traveling salesman, agent or other employee for services performed or sales made whose compensation depends directly on the volume of business transacted by him, will include that proportion of the compensation received which the volume of business transacted by such employee within the state of Iowa bears to the total volume of business transacted by him within and without the state, allowable deductions will be apportioned on the same basis. However, in any case where there is a separate accounting kept by a nonresident or his employer of the business transacted in the state of Iowa by the nonresident in connection therewith, then such amount of compensation shall be reported to this state by the nonresident and no apportionment of the total volume of business transacted within and without the state will be permitted.

c. Nonresident actors, singers, performers, entertainers, wrestlers, boxers, etc., must include in their taxable income as income from sources within this state the gross amount received for performances within this state.

d. Nonresident attorneys, physicians, engineers, architects, etc., even though not regularly employed in carrying on their profession in this state, must include in taxable income as income from sources within this state the entire amount of fees or compensation received for services performed in this state on behalf of their clients.

e. If nonresident employees (excluding employees mentioned in subsection "a" of this regulation) are employed continuously in this state for a definite portion of any taxable year, the gross income of the employees from sources within this state includes the total compensation for the period employed in this state.

f. If nonresident employees are employed in this state at intervals throughout the year, as would be the case if employed in operating trains, planes, motor buses, trucks, etc., between this state and other states and foreign countries, and are paid on a daily, weekly or monthly basis, the gross income from sources within this state includes that portion of the total compensation for personal services which the total number of working days employed within the state bears to the total number of working days both within and without the state. If the employees are paid on a mileage basis, the gross income from sources within this state includes that portion of the total compensation for services which the number of miles traveled in Iowa bears to the total number of miles traveled both within and without the state. If the employees are paid

on some other basis, the total compensation for personal services must be apportioned between this state and other states and foreign countries in such manner as to allocate to Iowa that portion of the total compensation which is reasonably attributable to personal services performed in this state.

*g.* A uniform rule for the exclusion from gross income of amounts received by employees under employer-financed accident and health plans is provided in the Internal Revenue Code of 1954 as amended through 1960. A nonresident in reporting Iowa earnings to this state may deduct from his gross Iowa earnings such portion of the amount received under such plans deductible for federal income tax purposes from his entire earnings as represents the ratio of his Iowa portion of his earnings to the total earnings to which the deductible or excludable amount was connected. [Amended August 24, 1962]

*h.* The apportionment of income under paragraphs "a", "b", "c" and "f" above will be the responsibility of the employer and the employer's apportionment of such income shall be the basis for assessment of the income tax imposed on the nonresident. [Filed August 24, 1962]

**22.8(2)-3 Taxing the earnings of nonresident officers or directors of corporations.** In the case of a nonresident who is an officer or director of a corporation that has an office in this state of Iowa, or a place of business in this state, or carries on a business in this state, the compensation of such nonresident for personal services rendered the employer, which may have to do with the management of the business being carried on in Iowa, shall be subject to the Iowa income tax law in the hands of the nonresident only to the extent that such compensation pertains to personal services performed for the employer within the state of Iowa by the nonresident. See the provisions of rule 22.8(2)-2 for instructions as to apportioning such income to the state of Iowa. Allowable deductions from such income must be properly apportioned also.

**22.8(2)-4 Income from sources within and without the state.** In the case of income derived from any business, trade, profession, or occupation carried on partly within and partly without the state, only such income as is fairly and equitably attributable to that portion of the business, trade, profession, or occupation carried on in this state, or to services rendered within the state, shall be included in the gross income of a nonresident taxpayer. The apportionment and allocation of such income shall be made under rules and regulations prescribed by the commission, which shall in any event, require the entire amount of such income both within and without the state to be shown in the return which the nonresident shall, and must file. If such allocation or apportionment is required, secure the necessary blank from the state income tax division. For definition of "business carried on" see rule 22.4-1 (a).

**22.8(2)-5 Apportionment of business income from business carried on both within and without the state.**

*a.* If a nonresident, or a partnership or trust with a nonresident member, carried on business [as "business carried on" is defined in rule 22.4-1 (a)] both within and without the state, the net income therefrom must be so apportioned as to allocate to the state of Iowa a proportion of such income on a fair and equitable basis, in accordance with approved methods of accounting.

*b.* If books of the taxpayer are not kept in such a manner as to regularly disclose the proportion of his net income derived from business carried on within this state, then the amount attributable to business within this state shall be in that proportion which the gross sales made within the state bear to the total gross sales. The gross sales within the state shall be taken to be the gross sales made through, from or by offices, agencies, branches, or stores located within the state, regardless of the location of the purchaser or the destination of the goods sold.

*c.* If the books of the taxpayer are so kept as to regularly disclose the portion of his business income which is derived from sources within this state and it is shown by the taxpayer to the satisfaction of the commission that the income assignable to this state is more clearly and equitably reflected by the separate accounting method, returns on this basis will be accepted. In any event the entire income received by the taxpayer and the basis of allocation shall be shown in his return.

*d.* If the business, trade, profession or occupation carried on within the state is an integral part of a unitary business carried on both within and without the state, or if the business within the state is so connected with the part without the state that the net income of the part within the state cannot be accurately determined independently of the part without the state, the gross income of the entire business, trade, profession or occupation must be reported. Thus, if a nonresident engaged in the business of manufacturing and selling goods maintains a factory outside the state and sales office in the state, or vice versa, he must report the gross income from the entire business.

**22.8(2)-6 Income from intangible personal property.**

*a.* Income of nonresidents from rentals or royalties for the use of, or the privilege of using in this state, patents, copyrights, secret processes and formulas, goodwill, trade-marks, franchises, and other like property is taxable, regardless of whether or not the patent, copyright, etc., has a business situs in this state within the meaning of "c" below, since income arising from the use of property, whether tangible or intangible, within the state is income from sources within the state. Thus,

for example, if a resident of New York, who is a patent holder, signs a contract in New York to license the manufacture and sale in Iowa by another person of the patented product in consideration of the payment of royalties on the basis of the number of units manufactured, the royalty income received is taxable. Similarly, if the author of a play, who is a resident of Illinois, receives fees for the public performance of his play in Iowa, the income received is taxable.

*b.* Income of nonresidents from intangible personal property such as shares of stock in corporations, bonds, notes, bank deposits and other indebtedness is taxable as income from sources within this state only if the property has a situs for taxation in this state, except that if a nonresident buys or sells stocks, bonds, or other such property in Iowa, places orders in Iowa to buy or sell such property, so regularly, systematically and continuously as to constitute doing business in this state, the profit or gain derived from such activity is taxable as income from a business carried on here, irrespective of the situs of the property for taxation.

*c.* Intangible personal property has a business situs in this state if it is employed as capital in the state, or if the possession and control of the property has been localized in connection with a business, trade or profession in this state, so that its substantial use and value attach to and become an asset of the business, trade or profession in this state. For example, if a nonresident pledges stocks, bonds or other intangible personal property in Iowa as security for the payment of indebtedness, taxes, etc., incurred in connection with a business in this state, the property has a business situs here. Again, if a nonresident maintains a branch office here and a bank account on which the agent in charge of the branch office may draw for the payment of expenses in connection with the activities of this state, the bank account has a business situs here.

If tangible property of nonresident has acquired a business situs here, the entire income from the property including taxable gains from the sale thereof, regardless of where the sale is consummated, is income from sources within this state.

*d.* Income of a nonresident beneficiary from an estate or trust, distributed or distributable to the beneficiary out of income from intangible personal property of the estate or trust, is not income from sources in this state and is not taxable to the nonresident beneficiary unless the property is so used by the estate or trust as to acquire a business situs in this state within the meaning of "b" above, or, in the case of royalties, patents, copyrights, secret processes and formulas, good will, trademarks, trade names, franchises and other like property, unless the estate or trust permits or licenses the property to be used in this state in the manner described in "c" above.

Whether or not the executor or administra-

tor of an estate or the trustee of a trust is a resident of this state is immaterial, insofar as the taxation of income of beneficiaries from the estate or trust is concerned.

**22.8(2)-7 Federal income tax refunded.** Any federal income tax (either paid by a nonresident or withheld from his compensation) which is later refunded to the taxpayer shall be included as gross Iowa income by the nonresident for the year such refund is received, in the same proportion that such federal tax was deducted by the nonresident in a prior Iowa income tax return.

A nonresident shall also include as gross Iowa income any state or local tax refunded to him, if such tax was deducted in a prior Iowa income tax return.

**22.8(2)-8 Distributive shares of nonresident partners.** A member of an Iowa partnership who is a nonresident is taxable only upon that portion of his distributive share of the partnership income which is derived from sources within this state. However, if the partnership derives any income from sources within the state, the nonresident members of the partnership are taxable upon their distributive shares of such income regardless of whether the partnership sustains losses from property located, or activities or business engaged in, outside this state, and regardless of the amount of such losses, even though such losses equal or exceed the income from sources within this state so that the total operations of the partnership result in a net loss. See rule 22.15(2)-4.

**22.8(2)-9 Interest and dividends from governmental securities.** Interest and dividends from federal securities subject to the federal income tax under the Internal Revenue Code of 1954, are not to be included in determining the Iowa net income of a nonresident, but any interest and dividends from securities and from securities of state and other political subdivisions exempt from federal income tax under the Internal Revenue Code of 1954, as amended through 1960, are to be included in the Iowa net income of a nonresident to the extent that same are derived from a business, trade, profession, or occupation carried on within the state of Iowa. [Amended August 24, 1962]

**22.8(2)-10 Gains from sales or exchange of property.** If a nonresident realizes any gains from sales or exchanges of property within the state of Iowa, such gains are subject to the Iowa income tax, and shall be reported to this state by the nonresident. In determining whether a short-term or long-term capital gain is involved, the provisions of the Internal Revenue Code, 1954, as amended through 1960, are to be followed. [Amended August 24, 1962]

**22.8(2)-11 Apportionment schedule.** Where allocation or apportionment of income is required, the taxpayer should apply to the State Nonresident Income Tax Division, State Office

Building, Des Moines 19, Iowa, for form NR-2, apportionment schedule.

**22.8(2)-12 Taxpayers moving in or out of the state.** A taxpayer moving into the state during the tax year need only report his earnings for the period of residence. This also applies to a person moving out of the state. If itemized deductions are used for federal income tax purposes they must be adjusted to reflect only the deductions attributable to the period of Iowa residence. Federal income tax withheld or paid must be adjusted in the same manner as the income. Personal exemption and credit for dependents need not be prorated.

For example, if your income for the years is from one source, reported in one total, use a fraction of the months of out-state residence and subtract that portion of your income from the total reported on line 4, page 1. The remainder will represent your Iowa earned income. If you moved into Iowa August 1, the ratio would be 5/12 Iowa income and 7/12 out-state income. [Amended August 24, 1962]

**22.8(3)-1 Net operating loss.** Net operating loss carry-backs and carry-overs. In years beginning after December 31, 1954, net operating losses shall be deductible for Iowa corporations and individual income tax purposes to the same extent they are deductible for federal corporation and individual income tax purposes for the same period, provided:

1. The following adjustments shall be made:

- a. Subtract interest and dividends from federal securities.

- b. Add interest and dividends from foreign securities and from securities of state and other political subdivisions exempt from federal income tax under the Internal Revenue Code of 1954, as amended through 1960.

- c. Add federal income tax paid or accrued and subtract Iowa income tax paid or accrued if considered in computing federal adjusted gross or net income.

2. Adjustments shall be made to reflect refunds of federal and Iowa income taxes.

- a. In the case of cash basis taxpayers, the refunds of the U. S. income taxes shall be reflected in the return for the year in which the refunds are received.

- b. In the case of accrual basis taxpayers, the refunds of U. S. income taxes shall accrue to the year in which the net operating loss occurs.

3. With respect to corporations doing business both within and without Iowa, adjustments shall be made to reflect the apportionment of the operating loss on the basis of business done within and without the state of Iowa.

- a. After making the adjustments as provided in paragraphs 1 and 2 hereof, the net operating loss deductible for Iowa income tax purposes shall be that percent of the total loss which represents the business done within

the state of Iowa as compared to the total business done by the taxpayer during the year in which the loss occurs.

4. Casualty losses are also treated like a net operating loss and may also be carried back two years and carried forward five years on losses occurring prior to January 1, 1958. Losses occurring after January 1, 1958 may be carried back three years and forward five years. [Filed August 24, 1962]

**22.9-1 Allowable deductions — in general.** The United States Supreme Court has said: "Whether and to what extent deductions shall be allowed depends upon legislative grace; and only where there is a clear provision therefor can any particular deduction be allowed. \* \* \* Obviously, therefore, a taxpayer seeking a deduction must be able to point to an applicable statute and show that he comes within its terms."

**22.9-2 Optional standard deduction.** An optional standard deduction is provided in the Iowa income tax law. Before determining the amount of the deduction, federal income tax payments, as adjusted in accordance with rule 22.9-5, must be subtracted from net income. The optional standard deduction is then computed as five percent of the remaining balance, but may not exceed two hundred fifty dollars. (Where joint returns are filed, the optional standard deduction is limited to five percent of net income after deduction of federal income tax, not to exceed two hundred fifty dollars). Where spouses file separate returns, each may take the optional standard deduction of five percent, not to exceed two hundred fifty dollars. In the case of separate returns, if one spouse takes the optional standard deduction, the other spouse must also take the optional standard deduction. If the federal optional standard deduction was taken on the federal return, the optional standard deduction or the Tax Table as provided, for incomes less than \$5,000.00 (choice optional) must be used on the Iowa income tax return. [Amended August 24, 1962]

**22.9-3 Itemizing deductions.** If deductions were itemized on the federal return, to the extent allowable thereon the same deductions must be itemized on the Iowa return. Deductions are subject to the adjustment specified in rules 22.9-4 through 9-7. [Amended August 24, 1962]

**22.9-4 Iowa income taxes.** Iowa income taxes paid or accrued during the tax year are permissible deductions for federal tax purposes, but are not for purposes of determining Iowa net taxable income. To the extent such taxes were included in deductions allowable for federal income tax purposes, they must be subtracted on the Iowa return. [Amended August 24, 1962]

**22.9-5 Federal income taxes.** The amount of federal income taxes paid or accrued during the tax year may not be deducted from income

for purposes of federal income tax. Such amount is, however, a permissible deduction for Iowa income tax purposes. Therefore, the amount paid or accrued should be included in deductions. Such totals should include:

1. The entire amount withheld during the taxable year from compensation of the taxpayer for the payment of federal income tax.

2. Tax paid at any time during the taxable year on a return of declared or estimated tax, or on any amendment to such return.

3. Any additional assessment on a prior return paid during the taxable year. Tax paid on final and completed federal income tax return filed by the taxpayers for the preceding taxable year.

4. If during the taxable year, you received a refund of federal income tax withheld from your compensation, or paid by you, that refund must first be used to reduce the amount deducted for federal income tax. [Amended August 24, 1962]

**22.9-6 Net operating loss carry-backs and carry-overs.** [See 22.8(3)-1, Part 1.] [Amended August 24, 1962]

**22.9-7 Soil conservation expenditures.** [Rescinded August 24, 1962]

**22.9-8 Itemized deductions—separate returns filed by spouses.** If one spouse uses the optional standard deduction on his separate return, the other spouse must also use the optional standard deduction. See rule 22.9-2. Where both spouses itemize deductions, the deductions must be divided between them according to the portion thereof paid or accrued, as the case may be, by each or in the ratio that each spouse's separate income bears to the total adjusted gross income of both spouses. A spouse may not deduct an amount for taxes paid on property held in the name of the other spouse. [Amended August 24, 1962]

**22.9-10 Verification of deductions required.** Deductions from gross income, otherwise allowable, will not be allowed in cases where the commission requests the taxpayer to furnish information sufficient to enable it to determine the validity and correctness of such deductions, until such information is furnished.

**22.9-12 Deductions from Iowa income allowed non-residents.**

a. The Iowa income of a nonresident shall be determined in accordance with the provisions of rules 22.8 (2)-1 through 22.8 (2)-12. Such income figure must be arrived at before deductions are taken for federal income tax paid or accrued as the case may be, and before the deductions provided for in subsection "c" hereof are taken in computing the Iowa taxable income of the nonresident.

b. *Federal income tax withheld or paid.* A nonresident may deduct from his Iowa income a ratio of federal income tax paid and/or with-

held in the same year covered by his Iowa nonresident return, in the proportion that the nonresident's income as computed for Iowa income tax purposes bears to his adjusted gross income for federal income tax purposes under the Internal Revenue Code of 1954, as amended through 1960.

Federal income taxes paid during the current year on prior years federal income tax returns will not be allowable on the nonresident return unless nonresident returns have been filed for such prior years.

Example: A nonresident had in 1960 total earnings of \$6,300.00 as a factory worker. Of such amount he earned \$4,200.00 while employed in the state of Iowa. Federal income tax withheld and paid by him in year 1960 amounted to \$900.00. Ratio of federal adjusted gross income and Iowa income equalled 66- $\frac{2}{3}$ %. Therefore, his deduction from Iowa income for federal income tax paid would be  $\frac{2}{3}$  of \$900.00, or the amount of \$600.00. See rule 22.8(2)-7 as to reporting as taxable income any refunds of federal income tax received.

c. *Deductions from Iowa income.* In computing the Iowa taxable income of nonresident individuals, there shall be deducted from Iowa income the larger of the following amounts:

1. An optional standard deduction of five percent of the Iowa income after deduction of the proper ratio of federal income tax, not to exceed two hundred fifty dollars.

2. The total of contributions, interest, taxes, medical expense, childcare expense, losses and miscellaneous expenses deductible for federal income tax purposes under the Internal Revenue Code of 1954, with the following adjustments:

a. Subtract the deduction for Iowa income taxes.

b. If the nonresident had income for the tax year from both within and without the state of Iowa, then after subtracting the deduction for Iowa income taxes, he may use as a deduction from Iowa income only a ratio of his total of contributions, interest, taxes, etc., representing the proportion that the nonresident's income as computed for Iowa income tax purposes bears to his adjusted gross income for federal income tax purposes under the Internal Revenue Code of 1954. [Amended August 24, 1962]

Example: X, a nonresident of Iowa, had a 1955 federal adjusted gross income of \$12,000.00; his Iowa income being \$6,000.00. His 1955 federal income tax return showed itemized deductions for contributions, interest, taxes, medical expense, and miscellaneous expenses in total sum of \$4,500.00, of which \$150.00 was for Iowa income tax paid. The ratio of his Iowa income to his federal adjusted gross income was 50 percent. Therefore, 50 percent of the total expenses of \$4,500.00 less \$150.00, would be \$2,175.00, the portion of the nonresident's total deductions deductible in computing his Iowa taxable income for the year 1955.



**22.9-13** [Rescinded August 24, 1962]**22.12-1 Personal exemption of single person.**

A single person may deduct from the computed tax a personal exemption of fifteen dollars. The term "single person" includes, for income tax purposes, an unmarried person, a widowed person, a divorcee, or a married person not living with husband or wife. [Amended August 24, 1962]

**22.12-2 Personal exemption of married person.**

a. A married person living with husband or wife at the close of the taxable year, or living with husband or wife at the time of the death of that spouse during the taxable year, may, if a single joint return is filed deduct from the computed tax a personal exemption of thirty dollars. Where each spouse files a separate return, each is entitled to deduct from the computed tax a personal exemption of fifteen dollars. The personal exemption may not be divided between the spouses in any other proportion.

b. Whether a husband and wife are living together must depend upon the character of the separation, if they are not in fact together. If merely occasionally or temporarily a wife is away on a visit, or a husband is absent from home on business, or in the armed forces, the joint home being maintained, they will be considered living together. The unavoidable absence of a wife or husband at a sanatorium or asylum on account of illness does not invalidate the exemption. If, however, the husband voluntarily and continuously makes his home at one place and the wife at another, they are not living together within the meaning of the act. A resident alien with a wife abroad is not entitled to the joint exemption.

c. A nonresident taxpayer will be allowed to deduct a personal exemption for the entire year. [Amended August 24, 1962]

**22.12-3 Personal exemption for old-age or blindness.** For federal income tax purposes additional personal exemptions are authorized if the taxpayer or his spouse is blind or is over sixty-five. The Iowa income tax law does not authorize personal exemptions of this type. [See 60GA, ch 259]

**22.12-4 Credit for dependents.** A taxpayer may deduct from his computed tax an exemption of seven and one-half dollars for each dependent. "Dependent" has the same meaning as provided by the Internal Revenue Code of 1954, and the same dependents may be claimed for Iowa income tax purposes as the taxpayer is entitled to claim for federal income tax purposes. The dependent credit on tax is to be taken by the spouse, furnishing the major portion of the support for the dependent. If each spouse furnished fifty percent, they may elect between them which spouse is to be entitled to claim the dependent. The dividing of dependent credits applies only to the number of dependents and not to the money credits for a

particular dependent. [Amended August 24, 1962]

**22.12-5 Head of household.** A head of household is a single individual (single meaning unmarried, divorced or widowed), who during the taxable year furnished over half of the cost of maintaining a household for the entire year for at least one relative.

Your father or mother must qualify as your dependent and must live in a home you maintain for him or her. It is not necessary that you or your parent live in the same household. However, maintaining a parent in a home for the aged is not maintaining a household for such parent.

Your unmarried child, grandchild or stepchild must live in your household which you maintain as the principal residence for both you and them. It is not necessary that such person qualify as a dependent in order for you to claim head of household benefit for the double exemption only, if you maintain the home for them.

All other relatives must live with you in your household and must qualify as your dependents.

**DO NOT CLAIM THIS UNLESS YOU CLAIMED TO BE HEAD OF HOUSEHOLD ON YOUR FEDERAL RETURN.**

The surviving spouse rule provided by the federal law does not allow the double exemption for any year following the death of the deceased spouse. Iowa regulation will permit under this rule by the federal the privilege of head of household classification. [Filed August 24, 1962]

**22.13-1 Return by resident individual taxpayer.**

a. For each taxable year every resident of Iowa, single or married and not living with spouse, whose taxable income as defined in Code section 422.7 is one thousand five hundred dollars or over, must make, sign and file a return.

Every married individual having a taxable income for the taxable year of two thousand three hundred fifty dollars or over must make, sign and file a return.

Husband and wife, each having independent income, must file either a joint return or separate returns if their aggregate net income for the taxable year was two thousand dollars or over.

b. In determining whether returns must be filed, income from all sources, taxable under this division, in the case of residents, must be considered; in the case of nonresidents, only income from sources within this state should be considered. If the status of a person as a resident or nonresident changes during the taxable year, returns are required if the sum of the income, from sources taxable, received or accrued, during the period the person was a resident, and the income from sources within this state, received or accrued, during the period the person was a nonresident, equals or exceeds the amounts specified in "a" above.



c. Whether or not an individual is the head of a household or has dependents is immaterial in determining his liability to render a return.

d. If separate returns are filed by husband and wife, each may include in his return only such income as is attributable to him in accordance with the provisions of those regulations. Each may claim one-half of the credit for personal exemption.

e. Return of taxpayer for the year in which he died, see rule 22.6-5.

f. If a taxpayer is unable to make his own return, the return shall be made by a duly authorized agent or by the guardian or other person charged with the care of the person or property of such taxpayer. A power of attorney must accompany a return made by an agent.

g. A return not signed by the taxpayer or his authorized agent, or not accompanied by such portion of the tax as is by law required to be paid at the time of filing of the return, shall not be deemed completely executed and filed as required by law.

h. Each taxpayer having a social security number must enter that number on his return at places indicated. If not so entered the return may be considered not completed.

i. Each taxpayer receiving wages, salaries, or other taxable income must attach to his return, filed with the state tax commission, a copy of information at source form, showing such income. [Amended August 24, 1962]

**22.13-2 Amended returns changing basis of reporting income.** Although husband and wife originally filed a joint return or separate returns they, after the due date for filing that return or those returns, will be permitted to file amended separate returns or an amended joint return as the case may be. An election to file joint or separate returns may be made anew each year regardless of election of prior year. [Amended August 24, 1962]

**22.13-3 Amended returns.** Whenever a taxpayer who has filed a return for Iowa income tax purposes files an amended return for federal income tax purposes for the same year, he shall also file an amended return for Iowa income tax purposes.

**22.13-4 Due date for returns.** The due date for filing income tax returns is the last day of the fourth month after the end of the taxable year, whether the return be on the basis of the calendar year or a fiscal year. The due date for filing returns of information on forms IT-5 and IT-5A and returns of withholding agents on forms NR-5 and NR-5A is the last day of the fourth month after the close of the calendar year. Returns not filed on or before the due date will be subject to penalties for delinquency.

**22.13-5 Method of accounting; accounting period.** The return is to be computed on the same basis and for the same accounting period

as the taxpayer's return for federal income tax purposes. Where the director of internal revenue has consented to permit taxpayer to change the basis of his returns or his accounting period, a copy of that consent must be filed with the state tax commission.

**22.13-6 Copy of federal income tax return to be filed by nonresident.** Under the provisions of section 12, chapter 208, Acts of 55th General Assembly (Code section 422.13 amended), a nonresident taxpayer shall file a copy of his federal income tax return for the current tax year with his Iowa nonresident income tax return. Such copy shall include full and complete copies of all farm business, capital gains and other schedules that were filed with such federal return. Such copies are to be accompanied by a written statement by the nonresident setting forth that they represent true and complete copies of his federal return.

However, in those cases where the nonresident has only Iowa wage or salary income to report and elects to take the optional standard deduction of five percent of Iowa net income not to exceed two hundred fifty dollars, he may omit filing a copy of his federal return provided he completely lists his items of adjusted gross income for federal income tax purposes on his Iowa nonresident return, but in such cases, if the audit of such nonresident return reveals that a copy of the nonresident's federal return is necessary to complete such audit, the copy shall be furnished by the nonresident upon his receiving a request therefor.

**22.15(1)-1 Returns of information—where filed.** Returns of information, as required by section 422.15 relating to returns of information and by section 422.16, relating to withholding of nonresidents income, shall be made on forms IT-5, IT-5A and IT-5B. In the case of residents these forms should be delivered to the State Income Tax Division, State Office Building, Des Moines 19, Iowa, on or before the last day of the fourth month after the close of the calendar year for which the returns are made. In the case of nonresidents, such forms must be submitted on or before January 31, following the close of the calendar year for which such returns are made, and must accompany the withholding agent's reconciliation form NR-5.

In the case of nonresidents of Iowa, the amount reportable by the employer on information returns shall be the income to be reported by such nonresident on his income tax Form NR-1. The method of apportionment of the income to such nonresident for Iowa income tax purposes is contained in rules 22.8(2)-2 and 22.8(2)-3. Although, to make necessary a return of information the income must be fixed and determinable, it need not be annual or periodical. It must be made of any payment which will constitute taxable income to the recipient. The commission may

require any person or organization acting at any time during the year as a broker or other agent in stock, bond, or commodity transactions to report the name and address of each customer or client during the preceding taxable (or calendar) year, together with an itemized statement of cost, selling price, and gain or loss involved in each individual transaction during any preceding calendar year. [Amended August 24, 1962]

**22.15(1)-2 Who shall make returns of information.** Returns of information shall be made to the state tax commission by every

a. resident of the state and every nonresident carrying on a business, trade, etc., in the state;

b. officer and employee of the state and of municipal corporations and political subdivisions of the state;

c. officer or employee of the United States and of its agencies and instrumentalities;

d. individual, partnership, estate, trust, and corporation maintaining an office or place of business in this state (whether or not a paying agency is maintained within the state and whether or not such entities are exempt from taxation under the Iowa income tax law) making payments in a calendar year of fixed or determinable income of one thousand dollars or more to any individual. If payments made to nonresidents were subject to withholding, a form IT-5A or IT-5B must be submitted regardless of the amount of income. [Amended August 24, 1962]

**22.15(1)-3 What is included in calculating amounts for returns of information.**

a. Returns of information are required of all amounts paid or credited to one payee, if such payments aggregate the minimum amount specified for such returns during the calendar year, irrespective of the basis of reporting by the payor or by the payee, including income constructively received by the payee. The necessity of reporting is not limited to payments of income of a single kind, equaling or exceeding the required amounts, but information returns are required if the aggregate payments of income of all kinds (including living quarters and/or board furnished) on which information returns are required, equal or exceed one thousand dollars. For example, if a payor pays to a payee nine hundred dollars for personal services, three hundred dollars for rent and fifty dollars for interest, he is required to report such payments on forms IT-5, IT-5A or IT-5B as the aggregate of the payments equal one thousand two hundred fifty dollars. Or, if an employee received compensation of nine hundred dollars and is furnished living quarters and board worth three hundred sixty dollars, the total amount which must be reported will be one thousand two hundred sixty dollars.

b. Fees for professional services to attorneys, physicians, and members of other professions,

and taxable payments for commodities come within the meaning of "fixed and determinable income" and are required to be reported in returns of information as required by this regulation.

c. For the purpose of a return of information, an amount is deemed to have been paid when it is credited or set apart to the taxpayer.

d. Corporations are required to report payments of dividends in amounts of one hundred dollars or over. [Amended August 24, 1962]

**22.15(1)-4 Payments of which no return of information required.** Payments of the following classes need not be reported on returns of information:

a. Interest coupons payable to bearer.

b. Income specifically exempt from taxation.

c. Bills paid for merchandise, telegrams, freight, storage, and similar charges.

d. To employees for board and lodging while traveling in the course of their employment, where such payments are in reimbursement of expenses paid by such employees.

e. Of rent paid to real estate or rental agencies (but the agent must report payment to the landlord if the aggregate amount for the calendar year is large enough to require a return of information to be filed).

f. Distribution by partnerships to resident partners and by fiduciaries to resident beneficiaries. Fiduciaries must submit information forms if any of the distributions made are to nonresidents and are subject to withholding under section 422.16.

g. Annuities representing the return of capital. But interest or other accumulations in excess of one thousand dollars for the calendar year must be reported.

h. To nonresident employees for services rendered entirely without the state.

i. To nonresidents of annuities, interest on bank deposits, interest on bonds, notes or other interest bearing obligations or dividends, unless received by the nonresident in connection with a business, trade, profession or occupation carried on in this state, subject to taxation under division II of this Act. [Amended August 24, 1962]

**22.15(1)-5 Penalty for failure to make returns of information.** Where returns of information are not made as required by the law, the taxpayer required to make such returns will not be permitted to deduct from his gross income any amounts for which returns of information are delinquent; and the return of such taxpayer will not be considered properly filed until such required returns of information have been made.

**22.15(1)-6 Returns of information — how made.** Returns of information shall, in all cases, be made for the calendar year. The returns shall be made on forms IT-5A and IT-5B for both residents and nonresidents. In the

case of residents a verified summary IT-5 shall accompany the IT-5A and IT-5B, and such report shall be due on or before April 30 of the year following the year of payment. In the case of nonresidents, such form shall be submitted with reconciliation form NR-5 (withholding agent's reconciliation report) and shall be due on or before January 31 of the year following the year of payment.

THE SOCIAL SECURITY NUMBER must appear on all forms IT-5A and IT-5B. [Amended August 24, 1962]

**22.15(2)-1 Partnerships and limited partnerships.** The partnership or limited partnership required to file a return under the provisions of Code section 422.15 (2) shall be a partnership or limited partnership required to file partnership return for purposes of federal income tax. If the partnership has elected for federal income tax purposes to be taxable as a corporation, it shall be so taxable for purposes of Iowa income tax. In addition the partnership shall be required to have filed a partnership agreement with the county auditor of the county in which the partnership is located, or said partnership shall be required to have a partnership income tax return on file with the district director of the internal revenue service. [Amended August 24, 1962]

**22.15(2)-2 Distribution and taxation of partnership income.** A partnership as such is not taxable under the Act but the members of a partnership (including limited partnerships organized under chapter 545) are taxable (except as otherwise provided in rule 22.8(2)-9 respecting nonresident members) upon their distributable shares of the net income of the partnership whether distributed to them or not, and despite the fact that he or they employ an accounting basis (cash receipts, for example) different from that of the partnership (accrual basis, for example). If the result of the partnership operation is a net loss (i.e. excess of allowable deductions from gross income) the loss may be deducted by the partners (except as otherwise provided respecting nonresident members) in the same proportion that net income would have been taxable to the partners. If the partner reports his income on the same taxable year basis as that of the partnership, his distributable share of the net income (or loss) of the partnership for such taxable year shall be included in or deducted from gross income in his individual return for that year. If, however, the taxable year of the partner is different from that of the partnership, his distributable share shall be included in or his proportion of the loss deducted from gross income for the year in which the taxable year of the partnership ends.

**22.15(2)-3 Partnership returns.** Every partnership deriving income (a) from property owned within this state or (b) from a business, trade, profession or occupation carried on within the state, must make a return of income regardless of the amount of gross or

net income and regardless of the residence of the partners, except as specified in rule 22.15 (2)-1. The return shall be made on form IT-3 and signed by one of the partners. The return shall be made on the same period basis, calendar or fiscal, as the partnership accounts are kept, irrespective the partners are reporting their incomes on a different period basis.

**22.15(2)-4 Contents of partnership return.**

The return of a resident partnership or of a partnership with one or more nonresident members, but whose income is derived entirely or partially from sources within this state, shall state specifically (a) the net income, and the capital gains or losses reported on the federal partnership return, (b) the names and addresses of the partners, and (c) their respective shares in said amounts.

**22.15(2)-5 General provisions as to partnerships.**

a. A partnership engaged in carrying on business in this state is an Iowa partnership. Its return must state the entire net income and capital gains or losses reported on the federal partnership return, regardless of the source of the same.

b. The distributable share of a resident of Iowa, of the income of a partnership carrying on business in another state, constitutes taxable income to him, except in cases governed by the provisions of Code section 422.8(1).

**22.16-1 Duties of withholding agent.** Withholding is required in the manner set forth under paragraph 12 hereof on income derived by nonresidents from the following sources:

1. Personal service, including salaries, wages, commissions and fees for personal service wholly performed within this state and such portions of similar income of nonresident traveling salesmen or agents as may be derived from services rendered in this state.

2. Rents and royalties from real or personal property located within this state.

3. Interest or dividends derived from securities or investments within this state, when such interests or dividends constitute income of any business, trade, profession or occupation carried on within this state and subject to taxation under the Act.

4. Income derived from any business of a temporary nature carried on within this state by a nonresident, such as contracts for construction and similar contracts.

5. The distributive share of a nonresident beneficiary of an estate or trust, limited, however, to the portion thereof subject to Iowa income tax in the hands of the nonresident.

6. Income derived from sources within this state by attorneys, physicians, engineers, accountants, etc., as compensation for services rendered clients in this state.

7. Compensation received by nonresident actors, singers, performers, entertainers, wrestlers, etc., for performances in this state.

8. The income of nonresidents employed in operating trains, boats, planes, motor buses, trucks, etc., within the state, who are paid on a daily, weekly or monthly basis. The gross income of such employees subject to withholding will include that portion of the total compensation of such employees which the total number of working days employed within the state bears to the total number of working days both within and without the state; and if the employment is on a mileage basis, the income apportionable to Iowa and subject to withholding will be similarly apportioned.

9. The gross income of a nonresident (not engaged in carrying on a business, trade, profession or occupation on his own account, but employed and receiving compensation for his services) includes compensation for personal services only, if and to the extent that, such services are rendered within this state. Compensation for personal services rendered by a nonresident wholly without the state is excluded from gross income of the nonresident regardless of the fact that payment of such compensation may be made by a resident individual, partnership or corporation.

10. The gross income from commissions earned by a nonresident traveling salesman, agent or other employee for services performed or sales made whose compensation depends directly on the volume of business transacted by him, includes that proportion of the total compensation received which the volume of business or sales by such employee within this state bears to the total volume of business or sales within and without the state.

11. Payments made to landlords by agents, including elevator operators, for grain or other commodities which have been received by the landlord as rent constitute taxable income of the landlord when sold by him.

12. The law contains special provisions with respect to the collection of income tax due on income derived from sources in Iowa by nonresidents of the state of Iowa by requiring that certain percentages of such Iowa gross income be withheld at source.

The term "withholding agent" means any individual, fiduciary, corporation, association or partnership in whatever capacity acting, including all officers and employees of the state or of any municipal corporation or political subdivision of the state that is obligated to pay or distribute or has control of paying or distributing any Iowa gross income (not specifically exempt from Iowa income tax to nonresidents of Iowa) in excess of one thousand five hundred dollars in any calendar year to any nonresident of Iowa.

Excepting as provided herein and in rules 22.17-1, every withholding agent shall deduct and withhold in each calendar year four percent of all gross income in excess of one thousand five hundred dollars, which such withholding agent pays or distributes, including the four percent so withheld, to any nonresident of Iowa during such calendar year, pro-

vided, however, that all income derived entirely from salaries or wages not exceeding four thousand dollars the amount withheld shall be two percent. In lieu of the percentages heretofore set forth, the commission is authorized and has prepared withholding tables to be used in cases of payment of wages or salaries to nonresidents. These tables may be acquired by writing to the nonresident section of the Iowa Income Tax Division, State Tax Commission, State Office Building, Des Moines, Iowa. [Amended August 24, 1962]

**22.16-2 Where only one percent of income is required to be withheld.** In the case of a business carried on within this state, the income of which is subject to withholding, the Act provides that the nonresident taxpayer may file with the commission a verified statement, in such form and containing such information as the commission shall prescribe, showing that any income therein described is derived from a source upon which the net income will be less than twenty percent of the gross income, whereupon the commission, if satisfied that such statement is correct, shall give to the nonresident a certificate directing a designated withholding agent to withhold but one percent of the income described in such certificate in excess of seventy-five hundred dollars. [Amended August 24, 1962]

**22.16-3 Returns by withholding agents.** Withholding agents are required to make and file certain returns. The Act prescribes that returns shall be made upon the basis of each calendar year on such forms and at such times throughout the year as the commission shall prescribe. The commission has effective for the calendar year 1963 (and subsequent years) ordered that all withholdings deducted from payments made to nonresidents shall be remitted to the income tax division, nonresident section, in quarterly payments as follows:

Withholdings made during the months of January, February, and March, due on or before April 30.

Withholdings made during the months of April, May, and June, due on or before July 31.

Withholdings made during the months of July, August, and September, due on or before October 30.

Withholdings made during the months of October, November, and December, due on or before January 31 of the following year.

Withholdings shall be remitted with form NR-5A, and a form NR-5A must be submitted for each quarter even though no withholdings were made during such quarter. A summary of the four quarters of withholding must be made at the end of each calendar year. Form NR-5 should be used for this purpose. A copy of each IT-5A or IT-5B, as given to the nonresident employee or payee, must accompany form NR-5. Remittance for each quarterly payment of withholding should be made to the treasurer of the state of Iowa. Withholding agents shall prepare and forward to each

nonresident employee or payee a form IT-5A or IT-5B, regardless of the amount of income involved, if withholding has been deducted from payments made. [Amended August 24, 1962]

Reg. 22.16-4, 1962 I.D.R., rescinded Aug. 24, 1962

**22.16-4 Requirements for filing Iowa nonresident returns.**

a. Every nonresident individual having a taxable income for the tax year from Iowa sources taxable under the Iowa income tax law as amended, of one thousand five hundred dollars or over, if single, or if married and not living with husband or wife; or having such a taxable income for the tax year of two thousand three hundred fifty dollars or over, if married and living with husband or wife, shall make and sign a return. [Amended August 24, 1962]

b. If husband and wife living together have an aggregate taxable Iowa income of two thousand dollars or over, each shall make such a return, unless the income of each is included in a single state of Iowa joint return. [Amended August 24, 1962]

c. Form NR-1 shall be used by nonresidents in reporting Iowa income to this state. Such form may be obtained by applying to the Iowa Nonresident Income Tax Division, State Office Building, Des Moines 19, Iowa. Completed returns are to be filed with or mailed to that same Division on or before the last day of the fourth month after the expiration of the nonresident's tax year. If Iowa tax is due, the return must be accompanied by remittance payable to Treasurer of State of Iowa.

**22.17-1 Requirements as to filing bond and securities.** Any nonresident who elects to file with the commission the bond referred to in Code section 422.17, should first inform the nonresident income tax division of the state tax commission as to the amount of gross Iowa income that he expects to have for the named taxable year, and as to the sources of such income, so that such division may fix the penalty of the bond in an amount ample to meet the statutory requirements. The bond form may be obtained from said Division, and in executing the bond the nonresident shall sign same as principal and the surety shall be a surety company authorized to transact business in the state of Iowa, and approved by the insurance commissioner of Iowa. A power of attorney for the attorney-in-fact who executes the bond on behalf of the surety company, as surety, must accompany the bond, and if that attorney is a nonresident of this state, the bond must then be countersigned by an Iowa resident agent of the surety company, in accordance with section 515.52 of the 1954 Iowa Code. Upon the filing and approval of such bond by the commission, a certificate will be issued to withholding agents whose names and addresses are furnished to the nonresident income tax division, authorizing such withholding agents

to pay to the nonresident during a specified period any sums which may be due such nonresident not in excess of an amount fixed in such certificate.

**22.18-1** [Rescinded August 24, 1962]

**22.21-1 Time and place for filing return.**

A return of income must be filed on or before the last day of the fourth month following the close of the taxpayer's taxable year, whether the return be made on the basis of the calendar year or for a fiscal year. The due date is the last day upon which a return is required to be filed, or the last day of the period covered by an extension of time granted by the commission. When the due date falls on Sunday or a legal holiday, the return will be due the day following such Sunday or legal holiday. If placed in the mails the return should be posted in ample time to reach the income tax division, under ordinary handling of the mails on or before the date on which the return is required to be filed. Mailed returns should be addressed to the STATE INCOME TAX DIVISION, State Office Building, Des Moines 19, Iowa. (Such form of address is desirable in order to prevent returns being misdirected to the federal income tax department.)

If a return is placed in the mails, properly addressed and postage paid, in ample time to reach the income tax division on or before the due date for filing, no penalty will attach should the return not be received until after that date.

**22.21-2 Extension of time for filing returns.**

It is important that the taxpayer render, on or before the due date, a return as nearly complete and final as it is possible for him to prepare. However, when good cause exists by reason of sickness, unavoidable absence, or otherwise, the commission is authorized to grant an extension of time in which to file such return, provided the taxpayer files form IT-8, or in the case of corporations form IT-136, in triplicate.

In no case shall an extension exceed three months, except in cases where taxpayer is abroad. The application for an extension must be made prior to the due date of the return, or before the expiration of an extension previously granted. As a condition to granting an extension of time, the commission may require that a tentative return be filed and the payment of the first installment of tax shown due on that return, if that tax is over fifty dollars; if fifty dollars or less the full amount is to be paid. If the time for filing is extended and the tax payable is over fifty dollars, interest at six percent per annum from date the return originally was required to be filed to date of actual payment on one-half of the total tax is to be paid by taxpayer; if the total tax is fifty dollars or less, interest is to be computed on full amount of tax. An extension of time to file return does not extend the time for payment of the second installment. [Amended August 24, 1962]

**22.21-3 Payment of tax by uncertified checks.** The income tax division will accept uncertified personal checks in payment of income taxes, provided such checks are collectible at par, that is, for their full amount without any deduction for exchange or other charges. The date on which the income tax division receives the check will be considered the date of payment, so far as the taxpayer is concerned, unless the check is returned dishonored. If one check is remitted to cover two or more persons' taxes, the remittance must be accompanied by a letter of transmittal stating (a) the name of the drawer of the check; (b) the amount of the check; (c) the amount of any cash, money order or other instrument included in the same remittance; (d) the name of each person whose tax is to be paid by the remittance; and (e) the amount of payment on account of each person.

**22.21-4 Procedure with respect to dishonored checks.** If any check is returned unpaid, all expenses incident to the collection thereof will be charged to the taxpayer. If any taxpayer whose check has been returned by the depository bank uncollected should fail at once to make the check good, the commission will proceed to collect the tax as though no check had been given. A taxpayer who tenders a certified check in payment for taxes is not relieved from his obligation until the check has been paid.

**22.21-5 Time and manner of payment of tax.** The tax must be paid in full at the time of filing the return or, if the tax amounts to more than fifty dollars, it may, at the taxpayer's option, be paid in two equal installments, one-half to be paid when the return is filed and one-half to be paid on or before the last day of the sixth month after the due date for filing the return. If the amount of the tax is fifty dollars or less, it must be paid in full when the return is filed.

No interest will be added to the deferred payment, unless it is not paid within the required time, in which case interest at six percent per annum from date of second installment became due to date of payment will be added to the balance of tax.

If the portion of the tax required by this regulation to be paid at the time of filing is not so paid, the return shall be considered not to have been filed until the required payment has been made. [Amended August 24, 1962]

**22.21-6 Limitation on installment payments.** The privilege of paying the tax in two equal installments is permitted only in cases where the return is timely filed. The privilege of paying a tax in installments does not apply to additional assessments.

**22.21-7 Certification of correctness of the return.** The return shall be authenticated by a signed declaration of its correctness. The return may be made by an agent if the taxpayer is (a) too ill to make it or (b) is absent

from the state for sixty days before the due date. A power of attorney must accompany the return made by an agent. The person or persons actually preparing the return (if other than the taxpayer or his agent) must also sign the declaration. Verification by oath is not required.

**22.21-8 Optional method of filing.** Pages 1 and 2 of form IT-1, if properly completed may be filed as a short-form return, IF A COMPLETE FACSIMILE OR PHOTOCOPY OF YOUR FEDERAL RETURN AND SUPPORTING SCHEDULES IS ATTACHED.

To properly complete the short-form method:

1. Enter Adjusted Gross Income (Form 1040, page 1) at line 9, page 1, of your return. (In the event your Federal Adjusted Gross Income includes income not subject to Iowa income tax, or you have income subject to Iowa income tax but not to federal income tax—attach a schedule of such income, and enter the amount shown on form 1040 as adjusted on that schedule.)

2. If deductions were itemized on form 1040 enter the total of itemized deductions (Page 2, form 1040), less the Iowa income tax included in that total, at line 12, page 1, of your state return.

3. It will not be necessary to complete lines 4 through 8, page 1. You are required, however, to use all other lines from 10 through 18.

If you choose this method of preparing the return, failure to comply with the above requirements will constitute an incomplete return. [Amended August 24, 1962]

**22.21-9 Use of and completeness of prescribed forms.** Returns shall, in all cases, be made by residents, nonresidents, fiduciaries, partnerships and corporations on forms supplied by the tax commission. When a taxpayer elects to submit alternative forms, the prescribed form, including all schedules and questionnaires, must also be completed. Taxpayers not supplied with the proper forms shall make application for same to the commission or to any county treasurer or field auditor, in ample time to have their returns made, verified and filed on or before the due date. Each taxpayer shall carefully prepare his return so as to fully and clearly set forth the data required. Imperfect, incorrect or incomplete returns will not be accepted as meeting the requirements of the statute. For lack of a prescribed form, a statement made by a taxpayer disclosing his gross income and the deductions therefrom may be accepted as a tentative return, and if verified and filed within the prescribed time, will relieve the taxpayer from liability to penalties, provided that without unnecessary delay such a tentative return is replaced by a return made on the proper form. Each question shall be answered and each direction complied with in the same manner as if the forms and instructions were embodied in these regulations. [Amended August 24, 1962]

**22.21-10 List of forms.** The following forms prescribed by the commission, are available to taxpayers:

- Form IT-1 Resident individual return.
- Form IT-2 Corporation return.
- Form IT-3 Partnership return.
- Form IT-4 Fiduciary return.
- Form IT-5 Summary of reported payments to residents.
- Form IT-5A Information at source (residents).
- Form IT-6 Claim for refund of tax.
- Form IT-8 Extension of time request.
- Form IT-13 Travel expense schedule.
- Form IT-136 Corporation extension of time request.
- Form NR-1 Nonresident individual return.
- Form NR-2 Allocation of fiduciary and partnership income of nonresidents.
- Form NR-5 Summary of withholding of income payable to nonresidents.
- Form NR-5A Return of withholdings from nonresidents. [Amended August 24, 1962]

**22.22 Supplementary returns.** If within the regular or legally extended statutory period for audit, it becomes known to the taxpayer that the amount of income reported to be federal adjusted gross or federal net income, was erroneously stated on the Iowa return, or changed by internal revenue service audit, or otherwise, the taxpayer shall file a supplementary return with supporting schedules. A copy of the revenue agent's report will be acceptable in lieu of a supplementary return. [Filed August 24, 1962]

**22.25-1 Power to examine and audit may be delegated.** Code section 422.25 (1) provides that the commission shall examine returns within three years and determine the correct amount of the tax. Section 422.25 (1) permits the determination of the correct amount of the tax within the limits of the statute of limitations if the commission discovers from any source that all or portions of the income have been omitted either through understatement of net income or overstatement of deductions. Section 422.64 permits the commission to appoint and remove such agents, auditors, clerks and employees as it deems necessary, and to prescribe the duties of such persons. The commission hereby delegates to the director of the income tax division the power to examine return and make audits; and to determine the correct amount of tax due, subject to review by the commission or appeal to the commission. The power so delegated may further be delegated by the director to such auditors, agents, clerks and employees of the income tax division as he shall designate. [Amended August 24, 1962]

**22.25-2 Notice of discrepancies.** An agent, auditor, clerk or employee of the income tax division, designated by the director to examine returns and make audits, who discovers discrepancies in returns or learns that the income of the taxpayer may not have been

listed, in whole or in part, or that no return was filed when one was due, is authorized to notify the taxpayer of his discovery by ordinary mail. Such notice shall not be termed an assessment. It may inform the taxpayer what amount would be due from him if the information discovered is correct.

**22.25-3 Right of taxpayer upon receipt of notice of discrepancy.** A taxpayer who has received notice of a discrepancy in connection with a return may pay the additional amount stated to be due. If payment is made, and the taxpayer wishes to contest the matter, he should then file claim for refund. However, payment will not be required until assessment has been made (although interest will continue to run if payment is not made). If no payment is made, the taxpayer may discuss with the agent, auditor, clerk or employee who notified him of the discrepancy, either in person or through correspondence, all matters of fact and law which he considers relevant to the situation. Documents and records supporting his position may be required.

**22.25-4 Power of agent, auditor, etc., to compromise tax claims.** No employee of the commission has the power to compromise any tax claims. The power of the agent, auditor, clerk or employee who notified taxpayer of the discrepancy is limited to the determination of the correct amount of tax.

**22.25-5 Review of director.** In the event taxpayer and the agent, auditor, clerk, or employee cannot agree as to the correct amount of tax, and taxpayer refuses to pay the amount determined to be correct, the matter may be referred to the director for review.

**22.25-6 Formal notice of assessment.** If following review no agreement is reached, and taxpayer does not pay the amount determined to be correct, a formal notice of assessment shall be sent to the taxpayer, by certified mail. Also, if the period in which the correct amount of tax can be determined is nearly at an end, a formal notice of assessment may be sent without compliance with rules 22.25-3, 4 and 5, or a jeopardy assessment may be made under the provisions of section 422.30. All formal notices of assessment shall be signed either by the chairman or the vice-chairman of the commission. [Amended August 24, 1962]

**22.25-7 Compromise of tax, interest or penalty.** The commission does not have power to compromise, waive or reduce any income tax, or any penalty or interest thereon, except as provided in section 422.25 (3), 1958 Code, as amended. The executive council of the state of Iowa, under the provisions of section 19.9, does have power to compromise claims in favor of the state which are of doubtful equity or collectibility. Taxpayers seeking the advantage of section 19.9 should submit their offer of compromise in writing to the state tax commission, and should set forth reasons justifying the making of the compromise.



Each offer should be accompanied by a draft or certified check for the amount offered in compromise. [Amended August 24, 1962]

#### 22.25-8 Periods of limitation.

a. In case errors in computing taxable income and tax due are apparent on the return itself, the correct amount of tax due may be determined by the commission within three years from the time the return is filed. If a transaction has been fully disclosed in the return or on a schedule or statement incorporated with the return, so that upon examination of the return the proper treatment of the transaction could be ascertained, but it was incorrectly reflected in taxable income on the return, the three-year limitation is applicable.

b. If a taxpayer fails to include in his return such items of gross income as defined in the Internal Revenue Code of 1954, as will under that Code extend the statute of limitations for federal tax purposes to six years, the correct amount of tax due may be determined by the commission within six years from the time the return is filed.

c. If a taxpayer files a false or fraudulent return with intent to evade tax, the correct amount of tax due may be determined by the commission at any time after the return has been filed.

d. While the burden of proof of additional tax owing under the six-year period or the unlimited period is upon the commission, a prima facie case of omission of income, or of making a false or fraudulent return, shall be made upon a showing of a federal audit of the same income, a determination by federal authorities that the taxpayer omitted items of gross income or made a false or fraudulent return, and the payment by the taxpayer of the amount claimed by the federal government to be the correct tax or the admission by the taxpayer to the federal government of liability for that amount.

e. Subsections "b" and "c" do not apply to returns for tax years beginning before January 1, 1949. [Amended August 24, 1962]

22.27-1 Certificate of acquittance. Issuance of the certificate of acquittance referred to in section 422.27, Iowa Code, 1958, as amended, is entirely dependent on the fulfillment of the obligations imposed on the fiduciary under applicable sections of the law and rules created thereunder. Specific rules are shown as 22.6-1, 2, 3, 4, 5, 6, 7, 8 and 9. Failure to comply with the requirements of these rules or relative sections of the law will result in denial of the certificate of acquittance until such requirements are met. [Filed August 24, 1962]

#### 22.28-1 Manner of filing appeals to the commission.

1. Appeals to the state tax commission should be in writing and should be addressed to the STATE INCOME TAX DIVISION, State Office Building, Des Moines 19, Iowa. An appeal should set forth all facts upon which the ap-

pellant intends to rely, together with a statement of the reasons of the appellant for making such appeal.

2. If taxpayer desires a personal hearing, notice to that effect should be given, whereupon the commission will set a date for such hearing and the taxpayer will be notified of such a date.

22.28-2 Hearings—who may appear. At any hearing the taxpayer may appear and present his appeal in person. He may be present and may have his case presented by his attorney or accountant.

22.28-3 Hearings—burden of proof. A taxpayer who has appealed has the burden of proof that the assessment levied against him is incorrect, and in what respects it is incorrect.

22.28-4 Hearings—who before. Hearings on appeal shall be held before the commission. At least two members of the commission must be present.

22.28-5 Record—evidence. Hearings usually will be informal, but where it is considered necessary, a formal record may be made. Evidence presented need not be formally introduced nor objected to by any party to the hearing. In the discretion of the commission, relevant evidence, which is because of its nature inadmissible in a court of law, may be introduced. All evidence in the files of the commission shall be available to the commission. However, the taxpayer should be informed of the substance of any documents or other evidence of which he has not been apprised, and he should have opportunity to rebut such evidence.

22.28-6 Remand to auditor, agent, clerk or employee. If from the hearing it appears that the matters at issue can be settled between the auditor, agent, clerk or other employee who initially determined that the return was incorrect or was not filed, and the taxpayer, the commission may remand the matter to the auditor, agent, clerk or other employee without decision. Such action shall not be taken if protested by the taxpayer.

22.28-7 Decision. Unless the matter on appeal is remanded in accordance with rule 22.28-6, the commission shall render a decision thereon within a reasonable period of time. (Payment of the assessment after hearing and before decision shall be deemed a waiver of decision.) The determination of the commission shall be in the form of a findings and order, setting forth sufficiently to apprise the taxpayer of the reasons for the determination, the findings of fact, conclusions of law, and decision. The decision of the majority of the commissioners shall be the decision of the commission. In case a commissioner dissents from the commission's decision, he may set forth his findings, conclusions, and reasons for his dissent. The decision may confirm the assessment as made, and sustain it; it may modify the assessment



in various particulars; or it may ascertain that the assessment should not be confirmed in any respect. The findings and order of the commission shall be furnished to the taxpayer by registered mail.

#### **22.30-1 Jeopardy assessments.**

a. A jeopardy assessment made pursuant to Code section 422.30 is due and payable when the notice of the assessment is served upon the resident or nonresident taxpayer, and may not be paid in installments. Proceedings to enforce the payment of the assessment by seizure or sale of any property of the taxpayer, or by garnishment, may be instituted immediately.

b. A jeopardy assessment may be made in a case where a return has been filed, and the commission believes for any reason that collection of the tax will be jeopardized by delay; or in a case where a taxpayer fails to file a return, whether or not formally called upon to do so, in which case the commission is authorized to estimate the income of the taxpayer upon the basis of available information, and to add thereto interest and penalties. The payment of tax under a jeopardy assessment does not deprive the taxpayer of the right to claim a refund of any part of the tax paid, to which he can prove himself entitled.

#### **22.30-2 Waiver of period of limitation.**

Where it appears that the collection of tax may be jeopardized by delay, an estimated tax, based on available information, will be assessed against the taxpayer, the assessment to be subject to such later adjustments as may be found necessary. If the taxpayer files with the commission a written waiver of the period of limitation, the limit of time for audit of the taxpayer's return will thereby be extended for a designated period. A waiver, when granted, carries limitation of thirty-six months interest to be assessed on the year waived. [Amended August 24, 1962]

#### **22.32-1 Definitions.**

a. The term "corporation" as used in chapter 422 of the Iowa Code and in these regulations includes not only corporations which have been created or organized under the laws of Iowa, but also those which are qualified to do, or are doing business in Iowa, in a corporate or organized capacity, by virtue of creation or organization under the laws of the United States or of some state, territory or district or of a foreign country. The term "corporation" is not limited to the artificial entity usually known as a corporation, but includes also an association, a trust classed as an association because of its nature or its activities, a joint stock company, and certain kinds of partnerships. Any association or organization which is required to report as a corporation, for federal income tax purposes under the Internal Revenue Code of 1954, shall be considered to be a corporation for the purposes of Iowa income tax on corporations. [Amended August 24, 1962]

b. The term "association" is not used in the law in any narrow or technical sense. It includes any organization, created for the transaction of designated affairs, or the attainment of some object, which like a corporation continues notwithstanding that its members or participants change, and the affairs of which, like corporate affairs, are conducted by a single individual, a committee, a board, or some other group, acting in a representative capacity. It is immaterial whether such organization is created by an agreement, a declaration of trust, a statute, or otherwise. It includes a voluntary association, a joint stock association or company, a "business" trust, a "Massachusetts" trust, a "common law" trust, a partnership association, and any other type of organization (by whatever name known) which is not, within the meaning of the law, a trust or an estate, or a partnership. An "Investment" trust of the type commonly known as a management trust is an association, and a trust of the type commonly known as a fixed investment trust is an association if there is power under the trust agreement to vary the investment of the certificate holders. If the conduct of the affairs of a corporation continues after the expiration of its charter, or the termination of its existence, it becomes an association.

**22.33(1)-1a Basis of corporate tax.** The determination of taxable income of a corporation is accomplished on a different basis than in the case of other taxpayers. Individual residents of Iowa, and partnerships, estates, and trusts domiciled in Iowa are subject to the tax on all net income received by them, from sources within or without the state. In the case of corporations whose income is subject to the tax, the tax is levied and collected only upon such net income as may accrue to the corporation from business carried on in the state plus certain net income from sources without the state which by law follows the home office of the corporation. [Amended August 24, 1962]

**22.33(1)-1b Corporations electing partnership-type taxation.** The foregoing paragraph applies to shareholders of small corporations electing under sections 1371-1377 IRC to distribute the corporation's income to the shareholders. The corporation income in its entirety is then subject to individual reporting. The shareholders will report in their individual returns their share of the corporations income computed without benefit of outstate-instate allocation. [Filed August 24, 1962]

**22.33(1)-2 Corporations carrying on business entirely within the state of Iowa.** If a corporation carries on its trade or business entirely within the state of Iowa, no allocation or apportionment of its income may be made. The corporation will be considered to be carrying on business entirely within the state of Iowa if its sales, or other activities are carried on only in Iowa, even though it may own subsidiary corporations which function in

other states and from which it receives income in the form of interest, dividends, rents, royalties, or otherwise. [Amended August 24, 1962]

**22.33(1)-3 Corporations not carrying on business entirely within the state of Iowa.** All corporations not within rule 22.33(1)-2 shall be deemed not to carry on business entirely within the state of Iowa. The net income of such corporations shall be apportioned or allocated to Iowa and outside Iowa in accordance with rule 22.33(1)-4 through 22.33(1)-10, and rule 22.33(2)-1. For the purpose of these regulations the word "apportioned" shall mean assigned by a percentage ratio and the word "allocated" shall mean assigned specifically within and/or without the state. The word "domicile" if used in these regulations shall mean the home office of the corporation. [Amended August 24, 1962]

**22.33(1)-4 Interest, dividends, rents and royalties (less related expenses) received in connection with business.** All interest, dividends, rents and royalties shall be allocated as directed by subsection (1)-"a" of Code section 422.33. [Amended August 24, 1962]

**22.33(1)-5 Application of related expenses.** Code sections 422.35, 422.33 (1) and rule 22.33 (1)-3, direct that the allocation and apportionment of income, by subsections "a" and "b", of section 422.33, as interpreted by rule 22.33 (1)-4 through 10, deal only with the separation of NET income. Therefore, determination and application of RELATED expenses must be made, as hereinafter directed, BEFORE allocation or apportionment within and/or without Iowa.

The word "RELATED" as used in line one of Code section 422.33 (1)-"a", shall mean those expenses which are directly related and also those indirectly related.

Indirect expenses to be determined and LIMITED as follows: Where a corporation has assets producing interest, dividends, rents and royalties, borrows money for any corporate purpose, the interest paid shall be deemed indirectly related to the production of interest, dividends, rents and royalties.

All rents paid, and royalties paid for the right to extract and/or process natural resources, shall be deemed expenses indirectly related to rent and royalty income from tangible property, even though not paid for the use of the property producing the income.

However: Indirect expense, as determined above, shall not exceed the amount of income (less other related expenses), to which it is deemed related. [Amended August 24, 1962]

**22.33(1)-6 Allocation of net income from interest, dividends, rents and royalties.** In the allocation provided by section 422.33 (1)-"a", the business to which these earnings are connected is the business activity of the assets producing the income. In general the part of the net income attributable to business within the state shall be in that proportion which the gross business activity within the state of

the assets producing each type of income, bears to the total gross business activity of the assets producing each type of income; subject however to the following specific allocations:

a. NET rent income shall be allocated to Iowa in that proportion which the gross rent charged for the use of the asset while being used in Iowa, during the tax year, bears to the total gross rent charged for the use of the asset during the tax year.

b. NET royalty income, from the extraction and/or processing of natural resources, shall be allocated to Iowa in that proportion which the gross sales of the product within Iowa, during the tax year, bear to the total gross sales of the product, during the tax year.

c. NET royalties, not allocable as directed by paragraph "b" above, shall be allocated to Iowa; unless the taxpayer presents detailed schedule(s), establishing to the satisfaction of the commission, that the asset(s) was (were) used without Iowa.

d. NET interest on tax refunds shall be allocable to Iowa in that proportion which the tax refunded is a recovery of tax expendable against income subject to Iowa corporation income tax.

e. NET interest received by a corporation, during the tax year, because of indebtedness evidenced by notes, mortgages, contracts, accounts receivable and any other written or oral evidence of indebtedness, shall be allocated to Iowa; unless the taxpayer files detailed schedule(s), establishing to the satisfaction of the commission, that the money representing the indebtedness was used without Iowa.

f. NET dividend income, received by a corporation during the tax year, shall be allocated to Iowa in that proportion which, the taxable Iowa net income of the dividend paying corporation(s), for the tax year in which the dividend was paid, bear(s) to the total on the same Iowa basis. [Amended August 24, 1962]

**22.33(1)-7 Net gains and losses from the sale of assets.**

a. Gain or loss from sale of assets USED IN THE BUSINESS as determined by the United States Internal Revenue Code section 1231, as revised by Iowa Code section 422.35, shall be apportioned or allocated within and without the state as follows:

Corporations determining Iowa taxable income, by a ratio of sales, gross receipts or other business activity ratio, shall apportion gain or loss from sale or exchange of assets USED IN THE BUSINESS, as determined by said federal code section 1231, by the business activity ratio applicable to the year the gain or loss is determined.

Corporations having ONLY assignable income shall assign gain or loss from sale of assets USED IN THE BUSINESS as follows: Gain or loss from the sale of assets used in the business shall be assigned within Iowa, in that propor-

tion which, the gross income from the assets sold, was assignable within Iowa, during the three tax years first prior to the year the assets were sold, bears to the comparable total assignable both within and without Iowa. If the assets had no gross earnings or if none of the earnings were subject to Iowa corporation income tax, during said three preceding tax years, the gain or loss from the sale of tangible and/or intangible personal property shall be assigned to the domicile of the recipient and gain or loss from realty shall be assigned to the location of the realty.

b. Gain or loss from the sale of CAPITAL assets as determined by the United States Internal Revenue Code as revised by Iowa Code section 422.35, exclusive of gains and losses determined by subsection "a" of this regulation, shall be apportioned or assigned within and without the state as follows:

Gains or losses from sale of TANGIBLE personal property shall be apportioned or assigned as directed by subsection "a" of this regulation.

Gain or loss from the sale of REALTY and INTANGIBLE personal property, shall be assigned as directed by subsection "a", paragraph (3) of this regulation. [Amended August 24, 1962]

**22.33(1)-8 Where income is derived from business other than the manufacture or sale of tangible personal property.**

a. This regulation applies to corporations receiving net income from business of types not covered by rules 22.33(1)-4, 22.33(1)-6, 22.33(1)-7, 22.33(1)-9 or 22.33(1)-10.

b. The term "income from personal and/or business service" includes income which is received by a corporation for rendering personal and/or business service, fees and commissions, including those derived from conducting an auction, agency, brokerage or commission business. It is immaterial whether the services are performed by the principal owner or stockholders or by other employees of the corporation.

Income received by a corporation from personal and/or business services is allocable to Iowa regardless of where the services were performed if the corporation is domiciled in Iowa, or has a business situs in Iowa.

Income received by a corporation doing business in Iowa from personal and/or business services performed in Iowa is allocable to Iowa, even though the corporation has no Iowa domicile or business situs.

c. Any other net income must be specifically allocated or equitably apportioned within and without Iowa on a basis which the taxpayer can substantiate, to the satisfaction of the commission, as just and equitable. [Amended August 24, 1962]

**22.33(1)-9 Where income is derived from the manufacture or sale of tangible personal property.**

a. The Act provides specifically but one method of apportioning net income derived from the manufacture or sale of tangible per-

sonal property, which provides that the part of such income attributable to business within the state shall be that proportion which the gross sales made within the state bear to the total gross sales.

Nonapportionable income assignable to Iowa shall be added to the apportionable income assigned to this state as determined by use of the apportionment fraction to determine the total net taxable income.

b. The gross sales of a corporation within the state includes sales for delivery to a purchaser within the state, but does not include sales for delivery to a common carrier for transportation out of the state.

For example, if a corporation sells to a customer at its place of business in this state, and delivers the property to the purchaser, the sale is a sale within the state and the income derived therefrom is taxable in this state, regardless of the ultimate destination of the property. If, however, a sale is made and the property is not delivered to the purchaser thereof, but to a common carrier for transportation to a place outside of the state, the income derived therefrom will not be taxable in Iowa.

The gross sales of a corporation within the state shall be taken to be the gross sales of goods sold and delivered within the state, including:

1. Goods sold and delivered within the state to a common carrier and consigned to a point within the state, regardless of where such shipment may be afterwards consigned by the purchaser.

2. Goods sold and delivered within this state to a common carrier and consigned to a point without this state, but diverted by the purchaser and actually delivered to a point within the state.

Goods sold and delivered within the state to a common carrier for transportation out of the state and which are actually delivered outside of the state shall be excluded.

Goods delivered to the purchaser in Iowa from stocks of merchandise kept within the state shall be included as Iowa sales in determining the proportion of the net income subject to the tax even though such transactions were handled through an office outside the state.

c. In the case of corporations engaged in the manufacture or sale of tangible personal property, the apportionment fraction represents the ratio of the sales made within this state during the taxable year to the total sales wherever made. For explanation of what constitutes a sale within Iowa see subparagraph "b" hereof.

The right to apportion or allocate taxable income by corporations does not extend to resident individuals, partnerships, estates or trusts. In the case of income of a nonresident, such apportionment or allocation is permissible in certain cases, but under rules different

from those applicable to corporation income. [Amended August 24, 1962]

**22.33(1)-10 Allocation of income of public utility, transportation and communications corporations.** Net income of these corporations, other than interest, dividends, rents and royalties, which is not specifically assigned by rules 22.33(1)-7, 22.33(1)-8 and/or 22.33(1)-9 shall be apportioned as follows:

1. *Railroads.* Where net income is derived from railroad operations, the part thereof attributable to business within the state shall be that proportion which the trackage owned and operated within the state, bears to the total trackage owned and operated, as reported to the interstate and Iowa state commerce commissions.

2. Air line, truck and bus line companies, freight car and equipment companies shall determine their Iowa proportion of gross receipts of gross revenues by taking the proportion of mileage traveled in Iowa to the total mileage traveled within and without the state. This provision is applicable to corporations only.

3. Oil, gasoline, and gas pipe line companies shall determine the proportion of transportation revenue derived from interstate business that is attributable to Iowa by the proportion of Iowa traffic units to total traffic units. The "Traffic Unit" of an oil pipe line is defined as the transportation of one barrel of oil for a distance of one mile; the "Traffic Unit" of a gasoline pipe line is defined to be the transportation of one gallon of gasoline for a distance of one mile; and a "Traffic Unit" of a gas pipe line is defined to be the transportation of one thousand cubic feet of natural or casinghead gas for a distance of one mile.

4. Telephone and telegraph companies shall determine the Iowa proportion of revenues by taking the Iowa proportion of used wire mileage to the entire used wire mileage of the system. [Amended August 24, 1962]

**22.33(2)-1 Allocation of income in special cases.** Whenever it shall appear to the commission that the statutory method of apportionment will not properly reflect the taxable net income assignable to the state, the commission may permit or require a taxpayer to determine the taxable net income by other methods. If a taxpayer feels that the allocation and apportionment as prescribed by subsection 1 of Iowa Code section 422.33, in his case, results in an injustice, such taxpayer may petition the commission to be permitted to determine the taxable net income, allocable and/or apportionable to the state on some other basis. Such petition must be in writing, and shall set forth in detail the facts upon which the petition is based. The burden of proof will be on the taxpayer as to the validity of the method and its results.

The taxpayer must first file his return as prescribed by subsection 1, of section 422.33. If a change to some other method is desired a statement of objections and an alternative

method shall be filed. The commission shall require detail and proof within such time as they may reasonably prescribe. If the commission shall conclude that the statutory method is in fact inapplicable and inequitable, the commission shall prescribe a special method. Since a prescribed method, is the discretion of the commission and without knowledge of what the discretion of future commissions will be, it is not possible to grant or deny its use beyond the years under audit at the time the special method is prescribed. The taxpayer's continued use of a prescribed method will be subject to change within the statutory, or legally extended period for audit. [Amended August 24, 1962]

**22.33(2)-2 Separate accounting methods.** The use of the separate accounting method may be authorized by the commission where it is shown to the satisfaction of the commission that this method will more clearly and equitably reflect the income assignable to this state. Ordinarily the separate accounting method is not satisfactory for a manufacturing business. It may be permitted to be used for merchandising businesses where separate records are kept of sales, costs of sales, and expenses for Iowa business, as in the case of a corporation branch carrying on business entirely within Iowa. Overhead items of income and expense must be allocated to the business within and without Iowa on a basis which utilizes the factors by which such items are measured. For example, federal income taxes are based upon income, and their allocation must be based upon the ratio of taxable income within this state to the total income for the year in which the taxes are assessed, despite the fact that such ratio may differ from the ratio of the year in which the taxes are paid.

General overhead items, such as officers' salaries, rent, etc., should be allocated to business within and without the state upon a basis which the taxpayer can substantiate as being equitable and just. Improper allocation of such general overhead expense by the taxpayer may necessitate the use of the statutory method of assigning income to Iowa. Expenses connected with interest, dividends and rentals realized from investments must be applied against the investment income. The balance of such income is allocated specifically according to the domicile of the recipient or place of integration of property from which income is received. Where a selling organization within Iowa disposes of the company's entire product manufactured in Iowa to the exclusion of any other products manufactured elsewhere, the commission may permit the use of the separate accounting method, provided that the sales are not made to other branches of the selling corporation, or to an affiliated corporation.

**22.34-1 Exemption of farmers and fruit growers associations and like organizations.** The exemption under paragraph 6 of Code

section 422.34 will be denied if the association markets the products of nonmembers, provided the value of such products marketed for nonmembers exceeds five percent of the value of the products marketed for members and nonmembers.

Mutual farm telephone companies or rural electrification associations which operate by assessing members or stockholders for merely the amounts necessary for the payment of operating expenses will be exempted when application with proper showing is made to the commission.

**22.34-2 Application for exemption.** Corporations and organizations claiming exemption from taxation under the foregoing provisions shall be required to provide good and sufficient evidence to the commission showing their right to exemption as claimed. The burden is upon the corporation claiming exemption to establish same without request by the commission. In no event shall corporations be exempt from providing information at the source as to compensation or other items of value paid by them to employees and others, as required by Code section 422.15, and related provisions.

**22.34-3 Form of application for exemption.** An application should be made in behalf of the corporation or association claiming exemption, by the president and secretary thereof, requesting such exemption under Code section 422.34 and must contain the following information:

1. The character of the organization.
2. The purpose for which it was organized.
3. The actual activities.
4. The sources of income and its disposition.
5. Whether or not any of the net income is credited to surplus or may inure to the benefit of any private individual or stockholder, and if so, in what manner and to what extent.
6. Whether or not exemption from filing federal income tax returns has been granted by the bureau of internal revenue. If not, state reason.
7. If exemption is claimed under paragraph 6 of section 422.34 the following data must be furnished:

a. State the value of products marketed during the year for members \$....., nonmembers \$.....

b. State the value of purchases made during the year for members \$....., nonmembers \$.....

c. State the value of purchases made during the year for persons who are neither members nor producers \$.....

d. If the organization deals with nonmember patrons state whether or not they are treated the same as members insofar as the charges made for service or the distribution of patronage dividends is concerned.

8. In general, all facts relating to the operation of the business which affect the right to exemption. There must be attached to the application:

a. A certified copy of the articles of incorporation.

b. A certified copy of the bylaws.

c. A copy of the latest financial statement, showing assets, liabilities, receipts, and disbursements of the organization.

The statements supporting the claim for exemption must be sworn to.

**22.35-1 Adjustments to "net income" of corporations.** Adjustments to "net income" under Division III of chapter 422 shall be made similar to those required to be made to "net income" under Division II of chapter 422 by rules 22.7-2, 22.7-3, 22.7-4, 22.7-11, 22.7-12, 22.7-13, 22.9-4, and 22.9-10. Rule 22.22 is also applicable to corporation returns. [Amended August 24, 1962]

**22.35-2 Allocation of net operating loss and federal income taxes.** Corporations subject to the allocation provisions of Code section 422.33, and to rules 22.33(1)-1 through 22.33(1)-9, 22.33(2)-1 are permitted to deduct only such portion of deduction for net operating loss and for federal income taxes as is fairly and equitably allocable to Iowa. [Amended August 24, 1962]

**22.36-1 Returns by corporations.** Every corporation upon which the tax is imposed must file a true and accurate return of its income or loss for the taxable period, if incorporated in or licensed in Iowa. Such return shall be sworn to by the president, vice-president, or other principal officer, and by the treasurer or assistant treasurer. If the corporation was inactive during the taxable period, the return must contain a statement to that effect. A corporation existing during any portion of the taxable year is required to make a return, regardless of the amount of its income or loss.

**22.36-2 Income tax of corporations in liquidation.** When a corporation is in process of liquidation, or in the hands of a receiver, the income tax returns must be made upon oath or affirmation of the persons responsible for the conduct of the affairs of such corporation, and must be filed at the same time and in the same manner as required of other corporations.

**22.36-3 Distributions in liquidation.** Amounts distributed to stockholders in complete liquidation of a corporation are to be treated as in full or part payment in exchange for the shares held by the stockholders. Such a transaction constitutes the sale or exchange of a capital asset.

**22.36-4 Income tax returns for corporations dissolved.** Corporations which have been dissolved during the income year must file income tax returns for the period prior to dissolution which has not already been cov-

ered by previous returns. Officers and directors are liable for filing of corporation income tax returns and for the payment of taxes, if any, for five years after date of dissolution.

Where a corporation dissolves and disposes of its assets without making provision for the payment of its accrued Iowa income tax, liability for the tax follows the assets so distributed and upon failure to secure the unpaid amount, suit to collect the tax may be instituted against the stockholders and other persons receiving the property, to the extent of the property received, except bona fide purchasers for a valuable consideration.

**22.36-5 Penalty for failure to file a corporation return.** If a corporation required by the Act to file any report or return (including returns of information at source) or to pay any tax or fee, fails to do so within ninety days after the time prescribed for making such returns or payment, the commission may certify such fact to the secretary of state, who shall thereupon cancel the articles of incorporation or certificate of authority (as the case may be) of such corporation, and the rights to such corporation to carry on business in the state of Iowa as a corporation shall thereupon cease. Any person or persons who shall exercise or attempt to exercise any powers, privileges, or franchises under articles of incorporation or certificate of authority after the same are canceled, as provided in the Act, shall pay a penalty of not less than one hundred dollars, nor more than one thousand dollars, to be recovered in an action brought by the commission.

**22.36-6 Returns of information as to dividends paid.** Every domestic corporation and every foreign corporation doing business in Iowa (whether or not exempt from payment of income tax) shall file returns of information as required by section 422.15, and shall also make complete return under oath of all dividends paid in amounts of one hundred dollars or over during the calendar year to Iowa resident stockholders, or to a nonresident business, carried on in this state. The credit on tax provided by section 422.11 will not be allowed in any case where the corporation fails to so report the amount of dividends paid.

**22.36-7 Additional information required from foreign corporations.** Foreign corporations are required to file a copy of their federal income tax return for the current tax year with the return required by Code section 422.36. However, if the form provided for filing corporate returns, by the state tax commission, contains space upon which the information on the federal tax return may be copied, the taxpayer may insert that information on the form provided by the state and will not be required to file a copy of the federal income tax return in addition.

**22.37-1 Consolidated returns.** Authority to grant or withhold permission to file a consolidated return in the case of affiliated corpora-

tions, as well as to require such returns, is by the Act vested in the commission. Ordinarily, the making of consolidated returns will not be permitted, but this inhibition shall not be construed as denying the right of any corporation to make application to the commission for the privilege of filing a consolidated return, setting forth in such application in detail the reasons therefor, together with statements showing the income and deductible expenses of each affiliate and a consolidated statement showing the combined income and deductible expenses of the affiliated concerns. A consolidated return will in no case be permitted by the commission where it appears that the total taxable income of the affiliates is thereby reduced. Each corporation is, under the law, a separate and distinct entity; and the ownership of all, or of substantially all, of the stock of one corporation by another corporation or by the stockholders of another corporation, does not operate to change this condition. The commission may, however, require the making of a consolidated return if thereby the taxable income of the corporations affected will be more clearly disclosed.

**22.37-2 Evasion of tax by corporations.** Where a corporation which is liable to taxation fixes its income through purchases, sales, contracts, or other arrangements in such a manner as to benefit stockholders or affiliated interests, and thereby create an improper net income for the corporation, the commission may determine the income on such a basis as will give effect to the fair and reasonable profits which might have been realized but for such contract or arrangement. The section of the Act which gives authority to this regulation was enacted primarily for the purpose of preventing the diversion of profits from Iowa by means of stockholders or affiliated interests located outside of Iowa.

Some common forms of diversion of income are:

1. Sales at more or less than fair value.
2. Purchases at more or less than fair value.
3. Fixing profits in advance by contract.
4. Payment of unreasonable officers' salaries, rents, royalties, interest, and other charges against income.

5. Billing the product to an affiliate at factory cost. Such practices are made possible by forming separate corporations or sales agencies outside the state, and selling products to them at arbitrary prices, reducing the apparent income of the Iowa concern, this profit being realized by the foreign affiliate or sales agency, in a state where no state income tax applies. In such cases the commission may require that consolidated returns be made, or that statements be submitted showing the operations of the Iowa corporation and of the affiliated corporations or sales agencies. The income attributable to Iowa is then determined by apportionment by the statutory method, or by valuing the products sold by

the Iowa corporation at a fair market value, and adjusting fictitious deductions on an equitable basis, in accordance with attendant facts and circumstances.

In recent years there has been a tendency on the part of corporations operating both within and without the state to form separate corporations for the purpose of carrying on the manufacturing and sales operations. If the manufacturing company operates in Iowa, it sells its products to the sales company outside of Iowa at prices which may or may not result in a proper profit to the manufacturing company. If the sales company operates within the state, it buys its products from the manufacturing company outside the state at prices which may or may not result in proper profit to the sales company. The intercompany prices may be based upon the market value of the product transferred, factory cost, factory cost plus a certain percent, or be purely arbitrary prices calculated to result in a certain profit which has been predetermined.

In determining whether the profit shown for Iowa is proper, due consideration must be given to both the operations within and without the state. Any arrangement by which either the sales or manufacturing company is permitted to show all of the profit, or substantially all of it, will be subject to question.

Billing the product at factory cost attributes no profit to manufacturing activity and cannot be considered as reflecting a proper income. The percentages which may be used on the factory cost are capable of great variations, resulting in a lack of uniformity of income. In the great majority of cases, the total profit realized from combined manufacturing and selling activities is of such a nature that it cannot be assigned to the several activities for purposes of the income tax except by apportionment in accordance with section 422.33.

The taxable income of a corporation operating in Iowa cannot be fixed by contract with its stockholders or other affiliated interests. If contracts between affiliated interests were permitted to establish income, any portion or all of the income earned in Iowa might be removed from the state. For purposes of determining taxable income, contracts between affiliated corporation or other interests may be disregarded on the theory that such contracts are in fact made by one and the same interest and not between persons dealing at arm's length.

The commission is empowered to require consolidated returns where it appears that the income of the corporation operating in Iowa is so intermingled with the income of one or more affiliated corporations as to make separate accounting of the Iowa income impossible. The consolidated income is then apportioned to Iowa, with due regard to the business both within and without the state, in accordance with section 422.33.

**22.38-1** All the provisions of rules 22.15(1)-1

through 22.22, inclusive, insofar as the same are applicable, shall apply to corporations taxable under Division III, chapter 422, of the Iowa Code. [Amended August 24, 1962]

**22.39-1** All the provisions of rules 22.25-1 through 22.25-8, inclusive, respecting payment and collection, shall apply in respect to the tax due and payable by a corporation taxable under Division III, chapter 422, of the Iowa Code.

**22.41-1** All the provisions of rules 22.28-1 through 22.28-7, inclusive, and the provisions of rules 22.30-1 and 22.30-2, shall be applicable to corporations taxable under Division III, chapter 422, of the Iowa Code. [Amended August 24, 1962]

**22.61-1 Federal rulings and regulations.** In determining whether "taxable income", "adjusted gross income", "net operating loss deduction" or any other deduction, or "dependents" are as computed for federal tax purposes under, or have the same meaning as provided by, the Internal Revenue Code of 1954, the commission will use any applicable rulings and regulations that have been duly promulgated by the commissioner of internal revenue, unless it finds that an otherwise applicable ruling or regulation is illegal or unauthorized.

**22.63-1 Examination of federal returns of taxpayers.** Under federal law, federal income tax returns are public records, but open for inspection only by specified personnel. Proper taxing officials of a state, upon request by its governor, are permitted to inspect such returns including audits thereof made by the internal revenue service. Iowa authorizes the commission to make such an examination, by the provision of Code section 422.63(1) which provides that the commission shall have power "to examine or cause to be examined by any agent or representative designated by it, books, papers, records, or memoranda." Certain agents and representatives of the commission are designated, and have been granted permission by the commissioner of internal revenue, to inspect federal returns and allied records filed with or obtained by the internal revenue service. Those agents and representatives of the commission who are designated by the director, income tax division, are authorized to examine any other books, papers, records, or memoranda. The commission has power to require that such books, papers, records or memoranda be produced, by procedure involving penalties for failure to comply.

**22.63-2 Bank records.** The commission has power to require the taxpayer to produce his canceled checks, check stubs, and bank statements. Where the taxpayer has lost or destroyed such records, the commission may examine any photostatic or carbon copies thereof in the possession of the bank with which taxpayer's account was maintained.



**22.66-1 Refund of overpaid tax.** The income tax law imposes upon the commission the obligation of refunding to taxpayers all income tax in excess of amounts legally due, paid by the taxpayers. When the taxpayer believes that he has overpaid his tax, he should file with the state income tax division a claim for refund of the amount overpaid.

A claim for refund shall be made on form IT-6 and shall be sworn to before a notary public or other person authorized to take acknowledgments. Upon a claim for refund, the commission may redetermine the entire tax liability of the taxpayer, and even though no new assessments can be made on account of the expiration of the period of limitation, the taxpayer is nevertheless not entitled to a refund unless he has overpaid his tax. Claims for refunds must be filed in duplicate.

There shall be set out in the claim (a) the taxpayer's name, address and occupation or business; (b) the taxable year or years involved; (c) the amount of tax assessed or paid, with date of payment; (d) the identification number stamped on check (if payment is by check); (e) the amount of refund requested; and (f) a complete statement of the facts on the basis of which the taxpayer believes that a refund should be made. Where the claim involves taxes paid in different years, a statement for each year should be made.

If a refund is claimed by a fiduciary or other legal representative of a deceased person, for refund of tax theretofore paid by the decedent, (or by another fiduciary), suitable documentary evidence, validating the authority of the one by whom the claim is filed, must be attached to the claim. However, if a fiduciary files a return and thereafter a claim is filed by the same fiduciary for a refund of tax paid on such return, such documentary evidence need not be supplied, provided a statement is made in the claim to the effect that the return on the basis of which the refund is claimed was filed by the same fiduciary, who is still acting; but such evidence may later be required by the commission.

Where a claim is filed by an agent of the taxpayer, a power of attorney must accompany the claim.

Claims for refund are not required where the amount withheld by a withholding agent is found to be in excess of the tax liability.

[Filed September 27, 1955]

## DIVISION IV RETAIL SALES TAX

### PART I SALES TAX REGULATIONS

All rules are applicable to the administration of the use tax law unless otherwise indicated.

**1 Information and opinions.** A taxpayer who desires either information or an opinion as to the application of retail sales or use tax, shall make a request in writing addressed to the Division of Retail Sales and Use Tax, State Tax Commission, Des Moines 19, Iowa.

The request shall state all pertinent facts in respect to the transaction necessary to understand the case and shall be accompanied by a copy or an abstract of contracts or other documents, if any.

It is not the policy of the commission to give opinions based on hypothetical questions. The employees of the commission are prohibited from giving opinions or answers to hypothetical questions.

When a formal ruling is desired, the procedure prescribed in rule No. 5 shall be followed.

#### 1.1 Correspondence.

When writing

(a) Mention the retail sales tax permit number which appears above taxpayer's name on the sales tax permit.

(b) Refer to the name under which the retail sales tax permit was issued.

If taxpayer's name is John Doe and he owns the South Side Grocery with retail sales tax permit No. 00-0000, when he writes for information, he should sign his letter with the BUSINESS NAME as well as his own:

*Example:*

South Side Grocery  
By John Doe  
00-0000

**1.2 Administration.** The administration of the retail sales and use tax law is delegated to the state tax commission. The law does not provide for any organization, except for the commission itself; therefore, the organization of the various divisions are creations of the commission and may be changed from time to time as the commission deems necessary.

The division of retail sales and use tax is one of the subdivisions created by the commission. This division is charged with the administration of the retail sales and use tax, subject always to the rules, regulations and direction of the commission.

Section 422.59

Section 422.61

**1.3 Service of notice.** Notices required by law to be served by the commission may be served by personal service. All except notices of appeal may be served by mailing the notice to the person for whom it is intended by registered mail, addressed to such person at the address given in the last return filed by him or if no return has been filed to such address as may be obtainable. The time required by law commences to run from the date of the registration and posting of the notice. For the convenience of this division practically all notices authorized to be served by registered mail are so served.

Section 422.57

**1.4 Statute of limitations.** The law specifically exempts the enforcement of both retail sales and use tax from the general provisions of the statute of limitations. Therefore there



are no limitations on any proceeding or action to appraise, assess, determine or enforce the collection of either the retail sales or use tax. However, there is a limitation on the examination of the books, papers or records of the taxpayer, as the law provides that no examination of the records of a taxpayer shall include any transaction completed five or more years prior to the examination. For the purpose of this limitation the examination is considered to have been made on the date that the employee starts making an audit of the books, records or papers of the taxpayer. There is, therefore, no prohibition against the assessment, collection or the enforcement of tax from any taxpayer after the lapse of five years where the knowledge that tax is due and has not been paid is obtained by any method other than the examination of the books, papers or records of the taxpayer.

Section 422.57

Section 422.63

### 1.5 General regulations.

1. Auditors, inspectors and other employees of the commission, have official credentials. The taxpayer should demand proof of the identity of persons claiming to represent the commission. No charge is made for assistance given in or out of the office of the commission. No gratuities of any kind shall be accepted by any employee of this commission.

2. Taxpayers shall mail ALL REMITTANCES to the STATE TAX COMMISSION, Division of Retail Sales and Use Tax. Checks, money orders and drafts shall be payable to the "TREASURER" of the State of Iowa.

3. All employees authorized to collect money are supplied with official receipt forms. When cash is paid to any employee, the taxpayer should demand an official receipt. Such receipt shall show: The taxpayer's address, permit number, the purpose for which payment is made and the amount of the payment. The taxpayer shall retain all receipts. Any other than official receipts for payment will not be recognized by this division.

4. The original portion of the return blank is the only form which will be accepted as a return. The duplicate should be retained by the taxpayer for his file record. Notify this division immediately when business is discontinued. If the business is sold, notify this division giving the name of the successor.

5. A FINAL RETURN must be submitted within thirty days after terminating business. [Amended August 5, 1958]

6. No remittance should be mailed to the commission unless it is accompanied by a return. The name of the sender and the tax for which the remittance is sent in payment should be stated, together with the permit number and address of the sender. The commission administers many taxes. No tax can be properly credited unless the above information is given.

7. No department of this division is permitted to waive the requirements of the law. Employees are bound by the law and cannot follow personal inclinations.

8. Every return must be signed and dated.

9. Careful preparation of returns will assist both the taxpayer and the commission.

10. IT IS UNLAWFUL TO DO RETAIL BUSINESS, EVEN FOR A SHORT TIME, WITHOUT A RETAIL SALES TAX PERMIT.

**1.6 Power and extent of the authority of the commission to make rules and regulations.** The power and authority of the commission to prescribe and promulgate rules and regulations for the sales and use taxes are granted under the express authority of Code section 422.61.

**2 Retailers required to keep record.** The law provides that every taxpayer shall keep and preserve such records as the commission may require to determine the amount of tax for which he is liable.

By virtue of the provisions of the law, the commission requires that each taxpayer shall keep such records as to show:

1. A daily record of all cash and time payments and credit sales.

2. A record of the amount of all merchandise purchased, including all bills of lading, invoices, and copies of purchase orders arranged serially as to dates thereof.

3. All deductions and exemptions allowed by law or claimed in filing sales or use tax returns.

4. True and complete inventories of the value of the stock on hand taken at least once each year. This includes inventories of merchandise accepted as part payment of the selling price of new merchandise.

Such records shall be preserved for a period of five years and shall be open for examination at any time by the commission or its duly authorized agents.

If an assessment has been made and an appeal to the commission or to a court is pending, books and records as above specified relating to the period covered by such proposed assessment must be preserved until the final disposition of the appeal.

Failure to keep adequate records and to preserve the same as hereby required, shall be grounds for revocation of the retailer's retail sales tax permit.

Section 422.50

**3 Audit of records.** The law confers upon the commission the right and the duty to examine or cause to be examined the books, papers, records and memoranda of a taxpayer for the purposes of verifying the correctness of returns filed or to estimate the tax liability of any person. The right to examine records includes the right to examine copies of the taxpayer's state and federal income tax returns. When a taxpayer fails or refuses to produce the records for examination when requested by the commission or its employees, the commis-

sion has authority to require, by a subpoena the attendance of the taxpayer and any other witness whom the commission deems necessary or expedient to examine and to compel the taxpayer and witness to produce books, papers, memoranda and documents relating in any manner to retail sales and use tax.

The sales and use tax division now has the legal obligation to inform a taxpayer when an examination of the books and records of any taxpayer has been completed for sales and use tax purposes. This requirement will be carried out in letter form by designated personnel in the Des Moines office rather than through comments on the part of field auditor who transcribed the audit data from the records of the taxpayer. The commission then has a further legal obligation to give the taxpayer notice of the tax and interest penalty due within the maximum period of one year after the taxpayer was informed of the audit conclusion date.

This rule is intended to implement section 422.54 (1), Code of Iowa, 1962, as amended by chapter 265, section 1, Acts of the 60th General Assembly. [Amended November 30, 1964]

#### Section 422.63

**3.1 Assessments.** All accounts receivable are debited against the taxpayer by means of an assessment. A retail sales tax return or a use tax return filed by a taxpayer constitutes a self-assessment. Where such return is made to the commission not accompanied by payment of the tax due or if the tax paid is insufficient an official assessment shall be made against the taxpayer for the amount shown to be due by the return.

Where a debit against taxpayer shall have been determined by the commission as a result of a field audit or from any information received by the commission from any source other than a return filed by the taxpayer, the commission shall serve notice, by registered mail, on the taxpayer as required by section 422.57 requiring the taxpayer to file a corrected or sufficient return within twenty days after the date of such notice. If such a return is not filed by the taxpayer, the commission shall determine the amount of tax due as provided for in Code section 422.54 and the division of retail sales and use tax shall issue a formal assessment and file a lien against the delinquent taxpayer as provided by law and rule number thirteen.

If the taxpayer is not satisfied with the determination of the amount of tax due and desires to object to the assessment, he shall, within thirty days after the mailing of the notice of assessment by registered mail, request a hearing before the commission as provided for in rule number five. After such hearing, the commission shall give notice of its redetermination to the person liable for the tax. Such redetermination shall be final unless the taxpayer appeals to the district

court as provided for in Code section 422.55 and rule number six.

#### Section 422.54

**3.2 Collections.** When an assessment shall have been made, the commission shall proceed with collection of such assessment. If the taxpayer refuses or neglects to pay the amount found due as evidenced by the assessment, the commission shall proceed to enforce collection by means of distress and sale, proceeding substantially in compliance with Code section 445.6. For the purpose of enforcing the collection of taxes or penalty or both the words "The Treasurer" shall be construed as "The State Tax Commission" wherever the same may be found in said section.

In the event the commission determines it expedient or advisable, it may by law or in equity, enforce taxes or penalties or both which it has determined to be due. In such action the attorney general shall appear for the commission and shall have the assistance of the county attorney in the county in which the action is pending.

The remedies for the enforcement and collection of retail sales and use tax are cumulative and no action taken by the commission or the attorney general shall be construed to be an election on the part of the state or any of its officers to pursue any remedy to the exclusion of any other remedy provided by law.

Section 422.26, Section 445.6, Section 626.29, Section 626.30, Section 626.31.

**3.3 No property exempt from distress and sale.** Code section 422.56, by reference, makes Code section 422.26 a part of the retail sales and use tax law and provides that said section shall apply in respect to retail sales and use taxes or penalties determined to be due by the commission. The commission shall proceed to collect tax or penalty or both, after the same shall have become delinquent, BUT NO PROPERTY OF THE TAXPAYER SHALL BE EXEMPT FROM THE PAYMENT OF SAID TAX.

#### Section 422.56, Section 422.26

**4 Information is confidential.** All information obtained by auditors, inspectors, officials and employees in the performance of their official duties is strictly confidential. Information so received cannot be disclosed except as provided by law. The only information which an auditor, inspector or employee may give to any person not an employee of this commission, is to inform such persons whether or not a taxpayer has a retail sales tax permit and the number thereof. This exception is due to the fact that the law requires that the permit of the taxpayer shall be conspicuously posted in the taxpayer's place of business at all times.

Any person from whom the taxpayer is seeking credit, or with whom the taxpayer is negotiating a sale of personal property, may request information as to the amount of unpaid retail sales or use tax, or both, due from the taxpayer which would create a lien on the

personal property of the taxpayer. Upon being satisfied that a person making the request has a legitimate interest, such information will be furnished by the division.

Section 422.65, Section 422.56

**5 Hearings.** The law makes it the duty of the commission to review any assessment to which the taxpayer objects and to review any matter within its jurisdiction to investigate or determine when requested to do so by a taxpayer or upon its own motion.

Any taxpayer may be heard by the commission upon making application in writing directed to the Chairman, State Tax Commission, Des Moines 19, Iowa, for the following reasons:

1. When an assessment against a taxpayer has been issued out of any division of the commission and the taxpayer wishes to contest the validity or amount thereof. Applications to be heard on assessments must be made within thirty days after the notice thereof. (See Code section 422.54.)

2. When an opinion has been rendered or a decision made by a department or employee of the commission adverse to the interest of a taxpayer.

3. When any taxpayer, or any association or organization representing taxpayers, advocates the adoption, modification or rescission of any rule within the power of the commission to make.

4. When any taxpayer has any grievance cognizable by the commission.

Section 422.63

**6 Appeals.** It is a condition precedent to the right to appeal to the district court from the determination or order of the commission: That the taxpayer shall have requested a hearing within the time prescribed by law; that the matter shall have been presented to the commission and that the commission shall have made a determination or order adverse to the taxpayer.

Within sixty days after the taxpayer shall have received legal notice of the determination or order of the commission, he may appeal to the district court of the county in which he resides or in which his permanent place of business is located. An appeal is perfected by written notice thereof to the chairman of the commission served as an original notice. Appeals are triable in equity and all matters presented to the court are determined anew. The burden of proof shall be upon the taxpayer. The taxpayer or the commission may appeal from the decision of the district court to the supreme court of the state without regard to the amount involved. Appeals to the supreme court are taken in the same manner as appeals from equity actions.

Section 422.55.

**7 Administration of oaths.** Each member of the commission and each employee thereof when authorized by the commission is em-

powered to administer oaths and take affirmations in all matters pertaining to their respective duties, with the exception of claims for refund and employee's expense accounts.

By virtue of the authority granted in Code section 421.21, the commission has authorized each field auditor, each office auditor, each field inspector, the head of each department and each office employee of this commission to administer oaths and take affirmations in any matter pertaining to the business of the division of retail sales and use tax except in respect to expense accounts and claims for refund.

This means that the above-mentioned employees may administer oaths to persons making affidavits or verifications, authorized or required by any department of the division of retail sales and use tax except as hereinbefore mentioned.

The name and official title of the employee administering an oath must be subscribed to the jurat. See rule No. 215.

Section 421.21

**8 Public officers required to give information.** The law provides that all public officers of the state shall give information to the tax commission with reference to any matter pertaining to taxes. The giving of information to the commission shall include the giving of any necessary information to the commission, officers, supervisors, inspectors and employees where such information is necessary in the performance of the duties pertaining to the administration of the retail sales and use tax laws or of any other revenue law administered by the commission.

Section 421.18

**9 Definitions.** The following words and phrases when used in these rules and regulations shall have the meaning ascribed to them in Code section 422.42; person, sales, retail sale, sale at retail, business, retailer, gross receipts, relief agency, commission; and the words motor vehicle and trailer shall have the meaning ascribed to them in Code section 423.1(7); and the word trailer when used herein shall mean and include semitrailer as defined in the last mentioned section.

Section 422.42, Section 423.1(7) [Amended August 5, 1958]

**10 Applies to sales tax only. Nature of retail sales tax.** The retail sales tax consists of four parts which are as follows:

1. A tax of two percent on the gross receipts from all sales of tangible personal property consisting of goods, wares and merchandise sold at retail. [Filed August 10, 1962]

2. A service tax of two percent of the gross receipts from the sale of service or the furnishing of service of gas, electricity, water, heat and communication service which service tax includes the gross receipts from the sales of such service by all municipal corporations furnishing gas, electricity, water, heat or communication service to the public in its proprietary right.

3. A tax on tickets or admissions to places of amusement or athletic events at the rate of two percent of the gross receipts from the sale of such tickets or admissions.

4. An amusement tax effective on and after the first day of July, 1947, which is a tax of two percent upon the gross receipts derived from all forms of commercial amusement devices and commercial amusement enterprises, operated or conducted within the state. The amusement tax covers all receipts from the operation of musical devices, weighing machines, shooting galleries, billiard and pool tables, pin ball machines, coin-operated devices selling merchandise not subject to the general sales tax, and the gross receipts from devices or systems or where prizes are in any manner awarded to patrons and on the gross receipts charged for the participation in any game or amusement; and in addition thereto upon the gross receipts from any amusement operated for profit not specified in subsection two or three of section 422.43 and upon the gross receipts upon any other amusement from which no tax is collected for tickets or admissions. Notwithstanding the fact that the state taxes all forms of amusement, the tax is imposed on the gross receipts from the amusement and nothing in the law legalizes any game of skill or chance or coin-operated devices prohibited by law. The tax is on the gross receipts, not on the operation of the devices. [Amended August 5, 1958]

The tax is not imposed upon the articles sold, but is in the nature of a tax on the gross receipts from the total transactions, each of which is called the "sale". The term "sale" includes the exchange of property and any installment, credit, conditional or consignment sale and includes any other kind of a sale or transfer for any consideration. Blanket orders for future delivery, "will-call" orders and offer orders or agreements to sell in the future do not become taxable sales unless and until completed by the transfer of title or possession of the property.

The tax is imposed upon the seller. The seller also has a duty to reimburse himself by adding the tax or the average equivalent thereof to the sale price. The seller is liable for the tax, whether or not he complies with the law and passes said tax on to the consumer.

Returns and payments are made quarterly, the tax is due on the first day of the month following the end of each quarter and is delinquent after the last day of the same month. [Amended August 5, 1958]

Returns shall be mailed to the State Tax Commission, Division of Retail Sales and Use Tax, Des Moines 19, Iowa; together with a remittance payable to the Treasurer of the State of Iowa.

Forms for reporting the tax are mailed to retailers by the commission. Only the addressographed forms furnished by the commission shall be used in making a return.

IT IS UNLAWFUL TO DO RETAIL BUSINESS, EVEN FOR A SHORT TIME, WITHOUT A RETAIL SALES TAX PERMIT.

#### Section 422.43

**10.1 Used or second-hand tangible personal property.** The sale of used or second-hand tangible personal property in the form of goods, wares or merchandise is taxable in the same manner as new property. This condition eliminates any consideration for second-hand merchandise to be treated differently for sales tax purposes than new merchandise when sold at retail. [Filed August 10, 1962] [253 Iowa 994]

(See Trade-in Rule No. 40)\*

**10.2 Tangible personal property purchased from the U. S. Government.** Tangible personal property purchased from the government of the United States or any of the government agencies is exempt from the provisions of the retail sales tax law, but such purchases are taxable to the purchaser under the provisions of the use tax law. Persons making purchases from the United States government unless exempt from the provisions of section 422.44 shall report and pay use tax measured by two percent of the purchase price of such purchases. [Amended August 10, 1962]

#### Section 422.44

**10.3 Tangible personal property used or consumed by the manufacturer thereof.** Where a manufacturer uses or consumes tangible personal property which has been manufactured, compounded, fabricated or assembled by the manufacturer, sales or use tax is imposed depending upon the facts. The measure of tax is two percent of the fabrication or production cost. [Filed August 10, 1962]

#### Section 422.42 (10, 11)

**11 Applies to sales tax only. Returns—instructions—payment of tax. Time and place for filing.**

Sales tax is due the first day of the month following the close of the quarterly period. Returns are delinquent after the last day of the month immediately following the close of each quarterly period. [Amended August 5, 1958]

The return, together with payment of the full amount of tax due, shall be mailed to the Division of Retail Sales and Use Tax, State Tax Commission, State Office Building, Des Moines 19, Iowa, in the addressed envelope inclosed with the blank return. Always use that envelope.

All checks, drafts or money orders, for payment of tax shall be made payable to the TREASURER OF THE STATE OF IOWA.

No cash should be sent through the mail. If money or stamps are inclosed such payment is received only at taxpayer's risk.

#### BASIS OF TAX

The tax is computed on gross receipts from all sales of tangible personal property, the

\*Cross-references are not a part of the Rules as adopted [Ed.]

furnishing or service of gas, electricity, water, communication service and the sale of tickets or admission to places of amusement and athletic events, less allowable deductions.

**GROSS RECEIPTS** means the total amount of the sales, valued in money, whether received in money or otherwise, provided, however, that when sales are made by conditional sales contract, or any other manner of sale which provides that payment of the principal sum shall be extended over a period longer than sixty days from date of sale, for the purpose of computing tax, only such portion of the sale amount that has actually been paid during the quarterly period covered by the return need be included in gross receipts.

#### RATE OF TAX

The tax shall be computed at the rate of two percent of the gross receipts less allowable deductions.

**EXEMPTIONS**—See Rules 29, 29.1 and 29.2.

Gross receipts from sales as follows are exempt from tax under the provisions of the law:

Sales in interstate commerce.

Sales made by or to the United States government.

Sales to the state of Iowa, counties, cities, school districts, etc., except for municipal gas, electric or heat plants, see Rule 11.1 (d). Except, sales made by the state of Iowa are not exempt. [Amendment filed August 19, 1954]

Sales, furnishing or service of transportation service.

Sales of tickets or admissions to state, county, district and local fairs.

Gross receipts from sales made by (but not sales to) educational, religious or charitable activities, where the entire net proceeds of such sales are expended for educational, religious or charitable purposes.

Sales of tangible personal property upon which the state of Iowa now imposes a special tax. See rule No. 29.2.

Sales of new motor vehicles and new trailers. See part IV of these rules.

Proper records must be maintained to prove all exemptions.

Section 422.51

#### 11.1 Applies to sales tax only. Sales tax return and the preparation thereof.

##### Computation of Tax

**Item 1. Total Gross Sales** for period. Enter at that item the amount of total gross sales for the period covered by the return. The amount shall include all sales, both charge and cash sales, without deduction for services, sales for resale, returned goods, discounts, traded-in property, etc., provided however, that in the case of installment sales only such amount as has actually been received in cash during the quarterly period need be included in gross sales.

(a) Enter at that item: All tangible personal property which has been purchased tax free for resale, and subsequently consumed or used

by the taxpayer either in the operation of the business, or for private or individual purposes, compute tax on the basis of cost of such property.

**Item 2. Deductions.** Enter at that item, under the proper classification, the deductions enumerated and explained in the return. All amounts deducted must have been previously included in **ITEM 1** of the return.

(a) **Sales of Services.** Enter at that item sales of services which are not taxable under the law. Labor and services, when properly segregated in accordance with the rules and regulations, are not taxable.

(b) **Sales for purpose of resale or processing.** Enter at that item the total for the period of all sales made for the purpose of resale to authorized purchasers or for "processing" purposes as defined in the law and not for consumption or use by the buyer.

This rule is intended to implement section 422.42 (3), Code of Iowa, 1962.

(c) **Sales in Interstate Commerce.** Enter at that item all sales made in interstate commerce as defined in these regulations.

(d) **Sales, for public purposes, to United States government—state of Iowa—counties, cities, public school districts, public libraries, etc.** Enter as this item all sales for the period made directly to the United States government, the state of Iowa and to counties, cities, public school districts, public libraries, county and municipal hospitals, etc., except that sales to any tax levying body used by or in connection with the operation of any municipally-owned utility engaged in selling gas, electricity or heat to the general public are not exempt from sales tax. This tax exemption also does not apply to construction jobs for instrumentalities of federal, state, county or municipal governments. See Rule No. 49.

This rule is intended to implement section 422.42(10) and section 422.42(11), Code of Iowa, 1962. [Amendment filed August 19, 1954; November 30, 1964]

Section 422.46

(e) **Sales of gasoline, diesel fuel and those sales of liquor which are subject to a special tax in excess of the sales tax rate.**

This rule is intended to implement section 422.46, Code of Iowa, 1962. (See rule No. 29.2.) [Amended August 5, 1958; August 10, 1962; November 30, 1964]

(f) **Sales of new motor vehicles and new trailers which are required to be registered in Iowa.** Enter at that item all sales of new motor vehicles and new trailers which are required to be registered in Iowa and which are subject to the use tax before registration, payable to the county treasurer. All sales of new motor vehicles and new trailers must be included in **ITEM 1** on **PAGE 1** of the return.

(g) **Traded-in tangible personal property.** Detailed instructions are covered in our Rule No. 40. [Amended November 30, 1964]

(h) Returned goods. Enter at that item the total amount for the period where the full sale price is refunded either in cash or credit to the customer for goods returned. This deduction applies only to transactions where sales tax was previously reported and remitted by the seller.

This rule is intended to implement section 422.42 (6), Code of Iowa, 1962. [Amended November 30, 1964]

(i) Discounts. Enter at that item the total amount for the period covering discounts allowed by the seller and taken by the customer, with sales tax only collected and due on the net charge. No credit can be allowed for any discounts given on sales not subject to sales tax.

This rule is intended to implement section 422.42(6), Code of Iowa, 1962. [Amended November 30, 1964]

(j) Bad Debts Charged Off. Enter at that item (if any) the amount represented by accounts which, during the period, are found to be worthless and are actually charged off as bad debts, provided, however, that such accounts are the result of charges covering taxable sales. [Amended August 5, 1953]

If such accounts charged off are later collected by the retailer, the amount of such recovery must be included in the subsequent gross sales of the return covering period in which recovery is made.

(k) Other Allowable Deductions. Use this space for entering the total of all allowable deductions for the period which are not expressly included in the classifications above.

Explain fully. Attach a separate sheet to the return, if necessary.

Item 3. Total Deductions. Enter at that item the total amount of the deductions itemized under ITEM 2 ("a" to "k" inclusive).

Item 4. Net Sales Upon Which Tax Is to Be Computed. Enter at that item the amount obtained by subtracting the amount entered as ITEM 3 from the amount entered as ITEM 1 (b).

Item 5. Amount of Tax. Enter at that item the amount of tax due. This amount shall be two percent of ITEM 4, provided, however, that where ITEM 4 includes two percent tax collected from the consumer, deductions may be made for such tax before computing the amount of tax due.

Section 422.52

**11.2 Applies to sales tax only. Interest Penalty.** Returns are due on the first day of month following close of each quarterly period, with the rate of interest penalty applying in the following manner for the filing of quarterly returns after July 4, 1963:

First month after the quarterly period no interest penalty.

Second month after the quarterly period five percent interest penalty.

Third month after the quarterly period five and one-half percent interest penalty.

Fourth month after the quarterly period six percent interest penalty.

(etc.)

Add one-half of one percent for each additional month or fraction thereof during which the tax is unpaid.

This rule is intended to implement section 422.54 and section 422.58, Code of Iowa, 1962, as amended by chapter 265, section 2, Acts of the 60th General Assembly.

**12 Applies to use tax only. Nature of use tax.** (See rule No. 170.)

**13 Liens affecting the property of persons from whom either retail sales or use tax or both are due and owing.** The law creates a lien in favor of the state of Iowa on all property and rights to property, whether real or personal, belonging to any person, firm or corporation liable to pay a tax or penalty or both imposed by law, who refuses or neglects to pay the same.

Section 422.26

**14 A lien attaches to personal property without notice.** Section 422.56 is made a part of chapter 423, by reference thereto in section 423.17, said chapter 423 being the codification of the use tax as amended.

Section 422.56

**15 Retail sales tax permit required.** No person shall engage in the business of selling tangible personal property at retail in Iowa until he shall have procured a retail sales tax permit. The fee for each permit is fifty cents. The fee shall accompany the application.

A sales tax permit shall be procured for each separate business location where retail sales are made. [Amendment filed August 19, 1954]

Doing business without a retail sales tax permit is a misdemeanor punishable by fine or imprisonment.

Co-operative associations, clubs, chambers of commerce, rural electrification associations, lodges, churches and all similar organizations, must procure a retail sales tax permit and remit the tax if regularly engaged in selling, even though they may be nonprofit organizations. (See rule No. 123.)

Retail sales tax permits are issued on application to the division of retail sales and use tax.

Section 422.53.

**15.1 Application for permit.** An application for a Permanent Retail Sales Tax Permit shall be made upon form ST-2 provided by the commission and shall furnish all information requested on the form.

If the business, for which an application for permit is made, is operated under a trade name, the application shall state the trade name as well as the individual owner's name, in the case of a sole ownership by an individual; or the trade name and the name of all partners, in the case of a partnership.

The application shall be signed by the own-

er in the case of an individual business; by all parties in the case of a partnership; by a properly authorized officer in the case of a corporation, or association.

The application shall state the date when the applicant began selling tangible personal property at retail in Iowa from the location for which the application for permit is made, as well as other information requested on the application blank.

Section 422.53

**15.2 Permits not transferable—sale of business.** Retail sales tax permits are not transferable. When a permittee sells his business, he shall have his permit canceled and the purchaser of the business shall make application for a new permit in his own name.

**15.3 Permits—consolidated return optional.** When a permittee has procured more than one retail sales tax permit, one consolidated retail sales tax return may be made reporting sales made at all locations for which he holds a permit, provided arrangements have been made with the retail sales and use tax division. A taxpayer may make a separate return for each permit held.

Form ST-51, revised, is required in all cases in which the taxpayer makes a consolidated return which includes the sales made at more than one location.

That form must be completely filled out and convey all information required in accordance with the column headings. No report shall be made except upon the regulation form ST-51, revised.

Enter in column 1, for each location, the total amount of gross sales as required in ITEM 1 of the return.

Enter in column 2, for each location, the total amount of net taxable sales after making allowable deductions as required in ITEM 4 of the return.

Enter in column 3, for each location, the amount of tax as required in ITEM 5 of the return.

All working papers used in the preparation of the information required in form ST-51, revised, must be kept available for examination by the commission or its duly authorized agents, as provided by law.

**15.4 Retailers operating seasonal business.** When a retailer makes sales on a seasonal basis, a regular tax permit is not necessary, but the commission's prescribed identification card, ST-174, must be completed and posted as authority to collect and remit sales tax. [Amended August 10, 1962]

Section 422.53 (7)

**15.5 Regular permit holders responsible for sales tax collection.** Where a regular permit holder sells merchandise by trucks, canvassers, or itinerant salesmen over fixed routes, or selling within the county in which the permanent place of business is located, or a contiguous county and the regular permit holder is liable for reporting and paying retail sales

tax, then the seller shall be required to have on his person or in his vehicle, a form ST-157 authorizing such operation. Said form shall be imprinted with the permit number, name and address of the retailer, printed from the addressograph plate of the vendor. This regulation with reference to form ST-157 shall not apply to any permittee operating stands or concessions at fairs or carnivals. In case a permanent permittee operates a stand, concession or booth at a fair or carnival, such permittee shall account for sales tax on a non-permit basis. [Amendment filed August 19, 1954]

**15.6 Reinstatement of canceled permit.**

When a person who has previously held a retail sales tax permit and has canceled said permit, wishes to re-engage in business in the same county, said person may make application for reinstatement of the permit by applying to the commission on form ST-2. Upon receipt of the fee of fifty cents, a new permit will be issued. Form ST-2 is furnished upon request to the commission or one of its field agents.

If a person who has previously held a permit and has canceled same wishes to re-engage in business in a different county, application must be made for a new permit on form ST-2 and a fee of fifty cents remitted with said application. The permits are issued for places and persons.

Where a taxpayer re-enters business in the same county in which he had previously been in business the permit number of the canceled permit shall be reassigned to him.

**15.7 Reinstatement of revoked permit.**

When a sales tax permit has been revoked by the commission and the permittee thereafter makes application for reinstatement thereof for a new permit, the fee shall be one dollar.

A permit which has been revoked will be reinstated only on such terms and conditions as the case warrants. In no event will a revoked permit be reinstated unless and until the taxpayer assures the commission that the cause for which the permit was revoked will not be repeated.

Section 422.53

**15.8 Change of location in same county.**

Where the ownership, tax liability and county have not changed, but where it becomes necessary to replace an active permit by reason of: (a) Loss or destruction of said permit, (b) change of address by permit holder within the same county or (c) change of coding and the like, form ST-33 "Request for Correction or Replacement of Retail Sales Tax Permit" is to be used without additional permit fee. [Amended August 10, 1962]

Section 422.53(4)

**15.9 Change of location—not in the same county.** When a permittee changes his business location to a different county, then the permit shall be submitted for cancellation

with form ST-30 and an application for a new permit made for the new location. A fifty-cent fee is required for a new permit.

**15.10 Applies to sales tax only. Tax procedure for itinerant merchants.** Itinerant retailers who do not have a permanent or a fixed place of business in Iowa are required to report and remit sales tax on a nonpermit basis. Some of the merchants who operate in this category are carnivals, circuses, concession stands, and associated types of businesses.

For tax collection purposes, all itinerant merchants shall inform the state tax commission of their Iowa itinerary at least ten days in advance of their appearance in Iowa. [Filed August 19, 1954; amended August 5, 1958]

**16 Applies to sales tax only. Retail sales tax permit must be posted.** A retail sales tax permit, WITHOUT WHICH IT IS UNLAWFUL TO ENGAGE IN OR TRANACT BUSINESS AS A RETAILER, must be conspicuously posted at all times in the taxpayer's place of business in such manner and in such position that it may readily be seen and read by the public. [Amended August 19, 1954]

Section 422.53

**16.1 Applies to sales tax only. Notice to the public.** Every person engaged in carrying on or transacting business of selling at retail within this state, shall post a NOTICE TO THE PUBLIC in the taxpayer's place of business, in such manner and in such position that it may be readily seen and read by the public. The following is the notice.

**NOTICE TO PUBLIC**

THE RETAIL SALES TAX LAW PROVIDES:

Sec. "422.49. It shall be unlawful for any retailer to advertise or hold out or state to the public or to any consumer, directly or indirectly, that the tax or any part thereof imposed by this division will be assumed or absorbed by the retailer or that it will not be considered as an element in the price to the consumer, or if added, that it or any part thereof will be refunded."

This notice shall be conspicuously posted so that it may readily be seen and read by the purchasing public.

STATE TAX COMMISSION

Division of Retail Sales and Use Tax  
Des Moines, Iowa

The notice shall be obtained from the state tax commission for each place of business in this state and must be posted.

**17 Tax not to be included in price.** Except when provided by this rule, when any retailer shall price mark any article for retail sale and display or advertise the same with such price mark to the public, the price so marked or advertised shall include only the retail sale price of such article.

*Example:* The advertised or marked price is \$1.00. When sale is made the purchaser pays

or agrees to pay \$1.02, representing the purchase price plus tax, which, when added, becomes a part of the sale price or charge.

This rule does not prohibit advertising or displaying the sales price plus tax as in the following examples:

"This dress \$10.00 plus tax," or

"This dress \$10.00 plus 20 cents tax."

Section 422.48, section 422.49

**18 Retail bracket system.** The retailer is required, insofar as practicable, to add the sales tax, or the average equivalent thereof, to the sale price and to collect the same from the consumer or user. Competing retailers and organizations or associations of retailers are authorized by statute to provide for uniform methods of passing such tax to the consumer with the co-operation of this commission.

In pursuance of the foregoing provisions, the Iowa Retail Dealers' Association, with the approval of this commission, has adopted the following bracket system for the application of the tax:

Sales Tax Schedule	
\$0.01-\$0.14—\$0.00	\$2.75-\$3.24—\$0.06
.15- .65— .01	3.25- 3.74— .07
.66- 1.24— .02	3.75- 4.24— .08
1.25- 1.74— .03	4.25- 4.74— .09
1.75- 2.24— .04	4.75- 5.24— .10
2.25- 2.74— .05	5.25- 5.74— .11

In purchases of larger amounts than \$5.74, the tax will be computed at straight two percent, one-half cent or more being treated as one cent.

The commission will co-operate with all retailers as far as practicable in applying the sales tax schedule, but in no event shall the same be administered in any manner that will result in the collection of substantially more than two percent of the amount on which tax should be computed.

See rule No. 186.

Section 422.48.

**19 Milk, cream and other dairy products.** [Rescinded as of July 1, 1958]

**20 Computation of the tax on admissions.** The tax is imposed at the rate of two percent upon the gross receipts from admissions. When the charge for admission includes the federal tax, the amount thereof will be deductible from the gross receipts, provided the taxpayer maintains such records that the amount thereof is determinable.

Admissions to places of amusement may advertise their total admission price, but must use the statement, "Including State Sales Tax." On all sales of less than fifty cents, the fractional plan of collecting the sales tax shall be used, as in the following example:

State Sales Tax \$ .005  
Admission .245

Total \$ .25

When one of several theaters or places of public amusement is under one management, it will be necessary to post in each such place



where readily readable by the public, a price card showing as to each price of admission, the fractional amount of admission, the fractional amount of the sales tax, and the total charge for admission. In all sales of fifty cents or more, the retail sales tax bracket may be applied.

When theaters or other places of public amusement operate stores or stands for the sales of tangible personal property, and sell the same at retail, they must collect and remit the tax on the gross receipts from such activities. No refund or credit can be allowed by reason of nonuse of any ticket of admission unless the charge for it is refunded the patron.

When a single ticket or charge covers admission to more than one attraction under the same management or ownership, the tax is computed on the basis of a single charge. [Amended August 10, 1962]

Applies to sales tax only.

For tax on other amusements see rules 111.1 to 111.6 inclusive.

**21 Applies to sales tax only. Sale of business.** When any retailer sells his business, he shall make a return within the succeeding month thereafter, and pay all sales tax due. Any unpaid sales tax shall be due prior to the transfer of title of any personal property to the grantee and becomes delinquent one month after sale. A lien for taxes due attaches to the property to be sold and the purchaser of the business is personally liable for any sales tax unpaid by the former owner, to the extent of the value of the property purchased. The purchaser is required to withhold sufficient purchase money to cover any sales taxes or penalties due and unpaid, until the former owner produces a release from the sales and use tax division showing that the taxes have been paid in full, or that there are no taxes due.

Each retailer discontinuing business shall maintain his records for a period of five years, unless a release from such provision shall be given by the commission. [Amended August 5, 1958; August 10, 1962]

Section 422.51 (2)

**21.1 Bankruptcy, insolvency or assignment for benefit of creditors.** Under the provision of law which permits the commission to require returns, other than for quarterly periods, if it deems it necessary or advisable in order to insure the payment of the tax, the commission holds that in cases of bankruptcy, insolvency or assignment for the benefit of creditors by the taxpayer that the tax shall be due and payable immediately and delinquent one month after such taxes become due and payable. [Amended August 10, 1962]

Section 422.51 (2)

**22 Retail sales tax return to include total gross sales.** The retail sales tax return filed by the taxpayer shall include the entire gross receipts from the sale of tangible personal property or taxable services during the period

covered by the return and appropriate deductions taken on the return for the nontaxable or exempted receipts. See rule 11.1.

Section 422.42

**22.1 Conditional sales to be included in gross sales.** Where sales of tangible personal property are made at retail in Iowa subject to the sales tax under a conditional sales contract, the terms of which stipulate that the payment of the principal sum is extended over a period in excess of sixty days from the date of the sale, the seller may report the tax on that portion of the sales price actually collected and received during the quarterly period covered by the return, provided the seller maintains adequate records. If, however, sales are made on a conditional sales basis as above stated, but the seller assigns, negotiates or sells the finance paper, the seller is deemed to have received full consideration for the sale and will be liable for the remittance of the sales tax on the total sales price at the close of the quarterly period during which the paper has been assigned, negotiated or sold.

On conditional sales agreements where the payments of the principal sum extend longer than sixty days from the date of the sale, the seller may bill the purchaser for the full amount of the sales tax due computed on the entire contract price and remit the tax to this department at the close of the quarterly period during which the sale is made.

In other words, the seller may elect to report and remit on a collection basis, in which case the seller will only bill the purchaser for the tax due on the amount of payments collected, or the seller may bill the full amount of the tax due computed on the total sale on the first down payment, under which circumstances the tax must be remitted by the seller to the commission at the close of the quarterly period when the sale is made.

Section 422.42

**22.2 Service and handling charges.** Where merchandise is sold at a fixed price and there is added thereto an additional fee or charge called, service or handling charges or any other name by which the same may be called, the commission holds that such fees and charges are part of the selling price of the article and retail sales tax shall be computed on the gross receipts from the sale of such property including service, handling and other like charges.

**23 Repossessed goods.** When tangible personal property which has been repossessed either by the original seller or by a finance company is resold to final users or consumers, the gross receipts from such sales are subject to the retail sales tax law.

When a retailer sells tangible personal property at retail in Iowa on credit terms and it becomes necessary for the retailer to repossess the tangible personal property sold, the retailer may take a deduction on his retail

sales tax return filed for that quarterly period during which the repossession was made in an amount to cover the unpaid balance of the account of the purchaser, provided the retailer has previously included in his net taxable sales to the commission and remitted the sale tax thereon concerning the total receipts from the original sale of the repossessed property.

If the retailer has previously reported in his net taxable sales only the amount of payments actually received on the purchase price of the repossessed property, then no sales tax deduction shall be allowed to the retailer.

Where the retailer has collected sales tax on the full contract price from the purchaser on the first installation concerning a conditional sales contract and has remitted the full amount of tax to this department, the retailer will not be entitled to take a deduction for the goods returned, unless the tax is returned to the purchaser on the unpaid balance before repossession.

**24 Certificates of resale or processing.** The receipts from the sale of tangible personal property in Iowa for delivery in Iowa for the purpose of "resale" or "processing" by the purchaser are not subject to the sales tax.

The burden of proof is upon the seller to determine at the time of the sale whether the sale is made for the purpose of "resale" or "processing" by the purchaser and therefore exempt from the sales tax, or whether the property is purchased for purposes other than "resale" or "processing" and therefore subject to the tax.

Persons engaged in the business of selling tangible personal property at retail in Iowa are required to hold a retail sales tax permit. Such persons when purchasing tangible personal property for the purpose of resale should furnish to their supplier a certificate of resale indicating that the property is being purchased for resale and showing on their certificate their retail sales tax permit number, in order that their supplier may omit the billing of sales tax.

Persons engaged in selling tangible personal property in Iowa for delivery in Iowa but who are not making "sales at retail" are not required to hold a retail sales tax permit. Such persons when purchasing tangible personal property for resale should furnish to their supplier a certificate of resale stating that the property purchased was being purchased for the purpose of resale and advising that they do not hold a retail sales tax permit for the reason that they are not selling at retail in Iowa.

Persons engaged in educational, religious, or charitable activities, who sell tangible personal property at retail in Iowa in connection with such activities, are exempt from the payment of sales tax on their gross receipts derived from such sales by the provisions of section 422.45, provided the entire net proceeds therefrom are expended for educational,

religious, or charitable purposes. Therefore, such persons are entitled to purchase tax free that property which they are to resell in connection with such activities by giving to their suppliers a proper certificate of resale, indicating that they are using the property for the exempted purpose as herein outlined, explaining that they do not hold a sales tax permit for the reason that their receipts from the sale of tangible personal property in connection with such activities are exempted from the sales tax.

Processors or fabricators who purchase tangible personal property which forms an integral or component part of the product which they are manufacturing and which is ultimately sold at retail are entitled to purchase such property tax free on the theory of "processing." Such purchasers should furnish to their suppliers a certificate of processing, stating that the property purchased by them will be used by them so as to form an integral or component part of other tangible personal property intended to be sold ultimately at retail; that they hold retail sales tax permit No. . . . . , in event that they are selling at retail; or that they are not selling at retail in Iowa and therefore are not required to hold a retail sales tax permit.

Suggested forms of certificate of resale or processing, the substance of which should be employed in the certificate taken may be found in this rule.

Where the retailer repeatedly sells the same type of property to the same customer for "resale" or "processing" the seller may, at his risk, take a blanket certificate covering more than one transaction. For use tax certificate, see rule No. 187.

**ST-1 CERTIFICATE OF RESALE  
(By retailer)**

The undersigned hereby certifies that the tangible personal property purchased from ..... is  
Name and Address of Seller  
purchased for the purpose of resale by the undersigned; that the undersigned holds retail sales tax permit No. .... and will account to the state for any sales tax due as a result of a sale of this property at retail in Iowa by the undersigned.

.....  
Address of Purchaser Signature of Purchaser

**ST-2 CERTIFICATE OF RESALE  
(By wholesaler)**

The undersigned hereby certifies that the tangible personal property purchased from ..... is  
Name and Address of Seller  
purchased for the purpose of resale; that the undersigned is solely engaged in selling tangible personal property at wholesale and does not sell to final consumers, and, therefore, does not hold a retail sales tax permit.

.....  
Address of Purchaser Signature of Purchaser

**ST-3 CERTIFICATE OF PROCESSING  
(By processor selling at retail)  
(Component part material)**

The undersigned hereby certifies that the tangible personal property purchased from .....

Name and Address of Seller

to be used in the fabricating, compounding, manufacturing or germination of other tangible personal property intended to be sold ultimately at retail, and that said property will form an integral part of the property sold; that the undersigned holds retail sales tax permit No. ....

Address of Purchaser

Signature of Purchaser

ST-4 CERTIFICATE OF PROCESSING

(By processor not selling to final consumer) (Component part material)

The undersigned hereby certifies that the tangible personal property purchased from .....

Name and Address of Seller

is to be used in the fabricating, compounding, or germination of other tangible personal property intended to be sold ultimately at retail and that said property will not form an integral part of the property sold; that the undersigned is not engaged in selling tangible personal property at retail in Iowa and, therefore, does not hold a retail sales tax permit.

Address of Purchaser

Signature of Purchaser

ST-5 CERTIFICATE OF RESALE

(By persons engaged in religious-charitable-educational activities.)

The undersigned hereby certifies that the tangible personal property purchased from .....

Name and Address of Seller

is for the purpose of resale by the undersigned; that the undersigned is engaged in religious-charitable-educational activities .....

Description

and that said or Nature of Purchaser's Activities

property is to be sold by the undersigned in connection with such activities; that the entire net proceeds will be expended for religious-charitable-educational purposes; that the undersigned does not hold a retail sales tax permit because receipts from sales at retail of tangible personal property in connection with such activities are expressly exempted from the Iowa Retail Sales Tax Law by the provisions of section 422.45, Code of Iowa, 1950.

Address of Purchaser

Signature of Purchaser

ST-3P CERTIFICATE OF PROCESSING

The undersigned hereby certifies that ....% of Electricity, Gas, Oil, Coal (Cross out the ones not applicable) purchased from .....

(Name and Address of Seller)

is to be used in processing ..... fabricating, compounding, manufacturing or germination of other tangible personal property intended to be sold ultimately at retail.

Address of Purchaser

Signature of Purchaser

ST-7F CERTIFICATE OF EXEMPTION (Farm or Agricultural exemptions)

To: ..... Name and Address of Retailer

A. This certificate is to be used only when the purchase is exempted from Iowa retail sales tax by the provisions of chapter 212, Acts of the 57th G. A. of Iowa (section 422.42, Code 1958) because it is:—

ITEM

(a) fuel consumed in farm tractors or other such vehicles engaged in agricultural production, ..... \$ ..... ("fuel" does not include lube-oil or greases)

(b) materials, but not tools or equipment, which are to be used in

- (1) disease control (livestock) \$.....
(2) disease control (plants).. \$.....
(3) weed control ..... \$.....
(4) insect control ..... \$.....
(5) health promotion (livestock) ..... \$.....
(6) health promotion (plants) \$.....

as a part of agricultural production for market.

B. Total purchase price ..... \$.....

C. Less exempted purchases. \$.....

D. Net taxable purchases .... \$.....

The undersigned purchaser hereby certifies,

for the purpose of claiming exemption from Iowa retail sales tax, that the amount of purchases listed after above item(s). shown above are to be used for the purposes and the amounts stated therein and the name of the product purchased is indicated after the above "reason" for its claimed exemption and are therefore exempted from retail sales tax by Chapter 212, Acts of the 57th G. A. of Iowa [section 422.42, Code 1958] and the Iowa State Tax Commission's rules pertaining thereto.

It is further understood that this certification is subject to verification and investigation by this retailer, as well as, by representatives of the State Tax Commission.

Signature of Purchaser

Date Address of Purchaser

[Amended August 5, 1958] (See Rule No. 94.1—Sales to Farmers)

24.1 Gross receipts expended for educational, religious or charitable purposes. The only time that an organization is exempt from sales tax when serving food or furnishing entertainment, is when the entire net receipts are expended for educational, religious or charitable purposes. When the facts do not indicate that the entire net proceeds are to be expended for any of the above-mentioned purposes then the gross receipts from such activities are taxable.

25 Tangible personal property used in processing—when exempt. Receipts from the sale of tangible personal property to processors and manufacturers which property, by the

means of fabrication, compounding, manufacturing or germination, becomes an integral part of other tangible personal property intended to be sold ultimately at retail, are exempt from the retail sales tax.

Section 422.42

25.1 Fuel used in processing—when exempt. Receipts from the sale of tangible personal property, which is to be consumed as fuel in creating power, heat or steam for processing or generating electric current, are exempt from the retail sales tax.

The exemption provided in the case of tangible personal property consumed as fuel in creating heat applies only where such heat is directly applied in the actual processing of tangible personal property intended to be sold ultimately at retail, as distinguished from heat which is used for the purpose of heating buildings, whether such buildings be manufacturing or processing plants, warehouses or offices.

Persons engaged in operating refrigeration or cold storage locker plants to store property belonging to others are rendering a service, the gross receipts from which are not subject to sales tax. Such operators of course are not exempt when purchasing electrical energy for use in creating refrigeration or other purposes in connection with such service.

Laundrying, dry cleaning and repairing or renovation of tangible personal property belonging to others are not considered processing within the meaning of this rule, therefore, fuel used to create power, heat or steam for laundries, dry cleaners and persons rendering services on property of other people is not deemed to be used for processing and therefore such fuel is not exempted from the retail sales tax.

Fuel used in processing is exempt to creameries, dairies or ice cream factories only to the extent that such fuel or electricity, as the case may be, is used in the actual fabricating, manufacturing or compounding of the finished product and does not include fuel used for storage after the manufacturing process is completed.

The storage of property in cold storage or refrigeration plant is deemed to be a service and the electricity or fuel used in creating the cold is not exempted from the sales tax.

Fuel consumed in heating greenhouses is not considered as fuel consumed in processing and therefore is not exempted from sales tax. See rule No. 96.

STATEMENT WITH RESPECT TO GAS CONSUMED AS FUEL FOR PROCESSING

(Make a Separate Statement for Each Location)

....., hereinafter called the consumer, is using gas furnished by the ..... at the premises known as ..... and is claiming exemption from payment of the two percent tax imposed under section 422.42 of the Code, 1950, 1954.

The character of business for which such gas is used is .....

In support of this claim the consumer rep-

resents and declares that such gas is used for the purpose indicated by the following approximate percentages:

In order to determine the percentage of gas used for nonprocessing, which is subject to the two percent sales tax, an inventory of active connected load in cubic feet per hour must be made by the consumer for processing and for nonprocessing operations.

a. Processing connected load in cubic feet per hour capacity used for the following PROCESSING operations—(Indicate use and number of cubic feet).

- ..... cubic feet of gas
..... cubic feet of gas
..... cubic feet of gas
..... cubic feet of gas
..... cubic feet of gas
..... cubic feet of gas
Total processing .... cubic feet of gas

b. Nonprocessing—(Indicate use and number of cubic feet).

Used for heating the building, general hot water service, or miscellaneous uses, not for processing.

- ..... cubic feet of gas
..... cubic feet of gas
..... cubic feet of gas
Total nonprocessing .... cubic feet of gas
Grand total connected

load ..... cubic feet of gas
Percentage nonprocessing .....%

Webster's New International Dictionary defines Process-ed and Process-ing:

"1. To issue, to take out, process against, or to serve process upon. 2. To subject to some special process or treatment. Specif. A. To heat, as fruit, with steam under pressure, so as to cook or sterilize. B. To subject (esp. raw materials) to a process of manufacture, development, preparation for the market, etc.; to convert into marketable form, as livestock by slaughtering, grain by milling, cotton by spinning, milk by pasteurizing, fruits and vegetables by sorting and repacking; in past part, often distinguished from raw. C. To make usable, marketable, or the like as waste matter or in inferior, defective, decomposed substance or product, by a process, often a chemical process; as to process (rancid) butter, rayon waste, coal (dust), (beet) sugar. D. To produce or copy by photomechanical methods; to develop, fix, wash and dry, or otherwise treat (an exposed film or plate). E. Office practice—to produce (a letter) mechanically."

NOTE: In case gas used for nonprocessing operations is separately metered, notify the company to read these meters and the actual figures will be used at the average rate. Where gas used for nonprocessing operations is separately metered, thereby enabling the gas company to properly apply the exemption without determining percentage of use, the details on this form need not be furnished by the consumer. Instead, write in the statement, "All gas used for processing is separately metered."

These connected loads are subject to verifications and if found incorrect back taxes and penalties will be enforced.

This affidavit is made and delivered to the

.....  
Name of Supplier

in support of claim for exemption from the tax as provided in section 422.42, of the Code, on fuel consumed at the above described premises, said company requiring this statement to offer to the State Tax Commission, as evidence that said tax is not applicable to such fuel.

In the event the Tax Commission should find that tax exemption has been erroneously allowed, the undersigned consumer agrees to reimburse the supplier on demand in the amount of such tax, together with any penalties which may have accrued.

.....  
.....

Consumer

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

.....  
Notary Public

My Commission expires .....

**25.2 Electricity used in processing—when exempt.** Receipts from the sale of electricity to be used in the processing of tangible personal property intended to be sold ultimately at retail, are exempt from the retail sales tax.

The exemption provided in the case of electricity applies only upon the gross receipts from sales of electricity where such energy shall be consumed as power or otherwise directly constituting use or consumption in the actual processing of tangible personal property intended to be sold ultimately at retail, as distinguished from electricity which is consumed for the purpose of lighting, ventilating or heating of manufacturing plants, warehouses or offices. Where practicable, therefore, electricity consumed as power or directly used in actual processing shall be separately metered and separately billed by the supplier thereof to clearly distinguish such energy so consumed from electricity which is consumed for purposes or under conditions where the exemption would not apply. To effectuate the practical administration of the law, where it is impracticable to separately meter electricity which is exempt from that electricity upon which the tax will apply, the purchaser may furnish to his supplier a statement with respect to electrical energy used for processing which will enable the supplier to determine what percentage of electricity in the case of each purchaser is subject to the exemption. The following suggested forms have been submitted to the tax commission by representatives of both suppliers and consumers and its use in arriving at an equitable determination of a basis for exemption is acceptable to the commission. Where such statement is accepted by the supplier as a basis for determining the exemption, any changes in the total active connected

load affecting the percentage of exemption would necessitate the filing of a new and revised statement by the purchaser. Where the electric energy is separately metered enabling the supplier to accurately apply the exemption in the case of processing energy, no statement need be filed by the purchaser, since the supplier under such conditions will separately record and compute the consumption of exempt energy apart from that energy which is subject to the tax.

STATEMENT WITH RESPECT TO ELECTRICAL ENERGY USED FOR PROCESSING

(Make a Separate Statement for Each Location)

..... hereinafter called the Consumer is using electric energy furnished by the ..... Company at the premises known as ..... and is claiming exemption from the payment of the two percent tax imposed under section 422.42, of the Code, 1950.

In support of this claim the consumer represents and declares, that such energy is used for processing, consumption or resale, as distinguished from lighting and other uses not processing.

The character of business for which such electrical energy is used is .....

That such electric energy is used for the purposes indicated by the following approximate percentages:

In order to determine the percentage of energy used for nonprocessing, which is subject to the two percent sales tax, an inventory of active connected load in watts must be made by the consumer for processing and for nonprocessing operations. One horse-power of electric motor capacity shall be considered 850 watts (efficiency 86.6%).

Active connected load shall be that which is normally operated. Standby emergency equipment eliminated. Active lighting load shall be that which is normally used during dark hours, emergency lighting not exceeding 25% of the total may be eliminated.

(a) Processing connected load in watts used for the following processing operations.

- ..... Watts
- ..... Watts
- ..... Watts
- ..... Watts
- ..... Watts

Total Processing ..... Watts

(b) Nonprocessing

- Lighting, including factory lighting ..... Watts
- stoker motors,
- pump motors,
- ventilating motors,
- fan motors
- used for heating and ventilating the building, not for process. .... Watts
- Office equipment..... Watts
- Miscellaneous

equipment (in-  
cluding refrig. for  
drinking water,  
etc.) ..... Watts  
..... Watts  
..... Watts  
Total active con-  
nected load non-  
processing ..... Watts  
Grand total con-  
nected load ..... Watts  
Percentage of ac-  
tive connected  
load  
nonprocessing ..... Watts

Webster's New International Dictionary de-  
fines Process-ed and Process-ing:

"1. To issue, to take out, process against, or  
to serve process upon. 2. To subject to some  
special process or treatment. Specif. A. To  
heat, as fruit, with steam under pressure, so as  
to cook or sterilize. B. To subject (esp. raw  
materials) to a process of manufacture, de-  
velopment, preparation for the market, etc.;  
to convert into marketable form, as livestock  
by slaughtering, grain by milling, cotton by  
spinning, milk by pasteurizing, fruits and  
vegetables by sorting and repacking;—in past  
part. often distinguished from raw. C. To  
make usable, marketable, or the like as waste  
matter or an inferior, defective, decomposed  
substance or product, by a process, often a  
chemical process; as to process (rancid) but-  
ter, rayon waste, coal (dust), (beet) sugar.  
D. To produce or copy by photomechanical  
methods; to develop, fix, wash and dry, or  
otherwise treat (an exposed film or plate).  
E. Office practice—to produce (a letter) me-  
chanically."

NOTE: In case energy used for nonprocessing  
operations is separately metered, notify your  
power company to read these meters and the  
actual figures will be used at the average rate.  
Where energy used for nonprocessing opera-  
tions is separately metered thereby enabling  
the power company to properly apply the  
exemption without determining percentage of  
use, this form need not be furnished by the  
consumer.

These connected loads are subject to veri-  
fication and if found incorrect, back taxes and  
penalty will be enforced.

This affidavit is made and delivered to the  
..... Company in support of claims of  
exemption for the tax provided in section  
422.42, of the Code, on electrical energy con-  
sumed at the above described premises and  
said company requested to offer this state-  
ment to the State Tax Commission, as evi-  
dence that said tax is not applicable to such  
electrical energy.

.....  
.....  
Subscribed and sworn to before me this  
..... day of ....., 19.....  
.....  
Notary Public  
My Commission expires .....

**25.3 Steam used in processing—when ex-  
empt.** Receipts from the sale of steam used in  
processing of tangible personal property in-  
tended to be sold ultimately at retail, are ex-  
empt from the retail sales tax.

The exemption provided in the case of steam  
applies only upon gross receipts from sales of  
steam where such steam is actually used di-  
rectly in the processing of tangible personal  
property intended to be sold ultimately at re-  
tail, as distinguished from steam which is  
consumed for other purposes including the  
heating of buildings, irrespective of whether  
such buildings may be factories or processing  
plants, warehouses or offices. As in the case  
of electricity, where practicable, steam which  
is actually consumed directly for processing  
shall be separately metered to distinguish the  
steam so consumed from steam which is con-  
sumed for purposes other than for processing  
including the heating of buildings.

**25.4 Commercial fertilizer and agricultural  
limestone.** Receipts from the sale of com-  
mercial fertilizer or agricultural limestone,  
are exempt from the retail sales tax. See  
ruling of the attorney general of March 28,  
1945.

**25.5 Patterns and dies.** Persons engaged in  
the business of making and selling patterns  
and dies to be used by other persons, in the  
manufacture of tangible personal property,  
are deemed to sell such patterns and dies at  
retail, the gross receipts from the sale there-  
of are, therefore, subject to the retail sales  
tax, if sold by a vendor in this state and if  
purchased from a vendor outside this state  
the purchaser is taxable by the provisions of  
the use tax law.

When manufacturers purchase, or fabricate  
from raw materials purchased, dies, patterns,  
jigs, tooling, and other manufacturing or print-  
ing aids for the account of customers who ac-  
quire title to the property upon delivery there-  
of, or upon the completion of the fabrication  
thereof by the manufacturers, the manufactur-  
ers will be regarded as purchasing such prop-  
erty either as agent for, or resale to, their  
customers. The tax will apply, accordingly,  
with respect to either the manufacturer as  
agent of his customer, or with respect to the  
sale by the manufacturer to the customer.

In determining whether the manufacturer  
purchases the property on behalf of, or for  
resale to, his customer, the terms of the con-  
tract with the customer, the custom of usage  
of the trade and any other pertinent factors will  
be considered. For example, if the customer  
issues a purchase order for a pattern, die, or  
other tool, or on the purchase order for the  
goods itemizes or otherwise specifies the partic-  
ular pattern, die or tool which will be required  
by the manufacturer to manufacture the goods  
desired by the customer, and the manufacturer  
obtains such item pursuant to the customer's  
specific order, billing, itemizing, or otherwise  
identifying it to the customer separately from  
the billing for the article manufactured there-

from, and either delivers it to the customer or holds it as bailee for the customer, it will be presumed that the manufacturer acquired the property on behalf of the customer or for immediate resale to him.

Manufacturers who manufacture or fabricate patterns, dies, jigs and tooling for their own use are liable for retail sales tax on the fabrication or production costs thereof. [Amended August 10, 1962]

Sections 422.42 (3), 422.42 (11) and 423.1 (1)

**25.6 Explosives used in mines, quarries and elsewhere.** Persons engaged in the business of selling explosives to miners, quarrymen or other persons are subject to the payment of retail sales tax on the gross receipts from the sale of such property when sold at retail in this state. The purchaser shall be liable for use tax upon all purchases for use in this state not subject to the retail sales tax. [Amended August 10, 1962]

**25.7 Electrotypes, type, zinc etchings, halftones, stereotype, color process plates and wood mounts.** Electrotypes, type, zinc etchings, halftones, stereotype, color process plates and wood mounts are taxable under the provisions of the retail sales tax law when sold to users or consumers. The above-mentioned articles do not become an integral or component part of merchandise intended to be sold ultimately at retail. The law imposes a retail sales tax on articles used directly in connection with manufacturing or printing, which do not become an integral part of the finished products intended to be sold ultimately at retail. [Amended August 10, 1962]

**25.8 Monotype and linotype makers and makers of photo-offset plates.** Where a person is engaged in the business of casting monotype or linotype or in making photo-offset plates for others, the casting of types and making of plates is a service, where the title to the type metal and plate is retained by the maker thereof. The gross receipts from such services are not to be included in the gross receipts on which retail sales tax is computed.

Such type and plate maker is liable for use tax on monotype and linotype metal used in the performance of the service hereinbefore referred to, and on the zinc plates from which photo-offset plates are made, where such metal and plates are procured outside the state of Iowa and are liable to pay retail sales tax on said metal and plates when purchased in the state of Iowa.

**25.9 Sale of bottled gas: Also sale of bottled gas cylinders and converting equipment.** Butane and other like gases are at times sold in cylinders or drums, to persons who do not have access to orthodox gas service, and the gas thus purchased may be used for cooking, heating and other purposes. In some instances gas of this type may be used for propelling tractors or motor vehicle equipment and in such instances converting equipment is neces-

sary in order that fuel in the type of gas may be used.

When gas of this type is sold and a motor vehicle fuel tax is collected thereon by the seller, then no sales tax or use tax is to be collected by the seller at the time of the sale. If motor vehicle fuel tax, imposed by the state of Iowa, is not collected by the seller at the time of the sale, then Iowa sales tax or Iowa use tax must be collected and remitted to the state tax commission, unless the transaction is otherwise specifically exempted from the sales tax or use tax laws.

If sales tax or use tax is not collected by the seller and paid to the state at the time of the sale, then any sales or use tax due will be collected by the treasurer of the state of Iowa at the time the user of the product makes application for a refund of the motor vehicle fuel tax.

The cylinders or drums which are loaned by the distributor or dealer of the gas and the title to which remains in the dealer would be subject to sales or use tax, as the case may be. Likewise, gas converter equipment which might be sold to an ultimate consumer would be subject to a sales or use tax, as the case might be. Concerning purchases of cylinders or pressure tanks see commission's orders of January 23, 1950 and December 5, 1950.

(For leased equipment see rules 126 and 126.1)

**26 Processing activities.** The following enumerated activities by a processor are regarded as "processing activities," and therefore, receipts from sales of electricity or steam used directly to perform such activities by a processor are not subject to sales tax. Likewise, receipts from sales of coal, fuel oil, gas, or other tangible personal property, to be consumed as fuel by processors for performing such activities, are not subject to sales tax.

1. Manufacturing of tangible personal property of all kinds intended to be sold ultimately at retail, except that heating and lighting of the plant and office are not regarded as processing.

2. Pasteurizing of milk for sale.

3. Cooking of food for sale and keeping same warm until served, except that refrigeration, ventilation, and air conditioning are not regarded as processing.

4. Welding, shaping, and otherwise fabricating iron and steel products for sale, except that cutting or junking scrap iron is not regarded as processing.

5. Washing, grading, and crushing of rock and gravel for sale.

6. Hatching or incubation of chicks, except that the operation of brooders is not regarded as processing.

7. The purification of water for sale, except that the pumping of water is not regarded as processing.

8. Grinding feed and hulling oats for sale, drying, sorting and grading grain for sale and

elevating it within elevators for such drying, sorting and grading, except that elevating grain into railroad cars or trucks is not regarded as processing.

The above list is not all-inclusive, but is intended only as a guide in the determination of activities that are considered "processing" activities as compared with activities not so considered. [Amended August 10, 1962]

**26.1 Chemical compounds used to treat water.** Chemical compounds, placed in the water, to be sold at retail, are used in processing. Therefore, the receipts from the sale of such chemical compounds for that purpose are exempt from sales tax. Likewise, persons purchasing chemicals for such purposes from out-of-state are exempt from use tax.

Chemical compounds used to treat water which is not to be sold at retail are used in processing and are not exempt from either sales or use tax.

**EXAMPLE:** Boiler compounds used to treat water used in boilers, which water is not to be sold at retail, are subject to sales tax or use tax. Similarly, chlorine or other chemicals used to treat water for a swimming pool are not used in processing and are taxable.

On the other hand, special boiler compound used by brewers where live steam is injected into the mash, which steam liquefies and becomes an integral part of the beverage intended to be sold at retail, does become a part of the finished product, is exempt from either sales or use tax, as the case may be.

**27 Applies to sales tax only. Date of sale.** A sale takes place when the ownership of, or title to, tangible property passes to the purchaser, except in transactions whereby the possession of the property is transferred but the seller retains the title as security for payment of the selling price, in which case the sale is deemed to take place at the time the possession of the goods is transferred to the buyer.

Where there is a contract to sell unascertained goods, title does not pass until the goods are ascertained. Where the contract is to sell specific or ascertained goods, title passes to the buyer at such time as the parties to the contract intend it to be transferred, regard being had for terms of the contract and conduct of the parties, usages and customs of trade and the circumstances of the case.

In cases where the intention of the parties is not indicated, the following general rules may serve as a guide in determining when title transfers:

(1) Where there is an unconditional contract to sell specific goods in a deliverable state, title to the goods passes to the buyer when the contract is made, and it is immaterial that the time of payment or the time of delivery or both are postponed.

(2) Where there is a contract to sell specific goods, and the seller is bound to do something to the goods for the purpose of putting them

into a deliverable state, title does not pass until such things be done to the goods.

(3) If the contract to sell requires the seller to deliver the goods to the place of business of the buyer, or to some other designated place, or calls for payment by the seller of transportation charges to one place or another, the title does not pass until the goods have been delivered to the buyer, or have reached the place agreed upon.

All relevant facts in each case must be examined in view of these principles to determine when title to property transfers.

**28 Sales to the American Red Cross and U.S.O.** The receipts from the sale of tangible personal property to the American Red Cross, the Navy Relief Society and U.S.O. are exempted from the Iowa retail sales tax.

Purchases made by the Red Cross or the Navy Relief Society or U.S.O. in interstate commerce for use in Iowa are exempted from the use tax.

**29 Applies to sales tax only. Exemptions from retail sales tax.** There are three methods by which the gross receipts from the sale of tangible personal property are not chargeable with sales tax. They are:

1. By specific exemptions, Code section 422.45.

2. Exclusion by definition, Code section 422.42.

3. Credit on tax, Code section 422.46.

This rule deals with the specific exemptions only. Exclusion by definition will be dealt with in rule No. 29.1 and credit on tax in rule No. 29.2.

The following are specifically exempted:

1. The gross receipts from sales of tangible personal property which this state is prohibited from taxing under the constitution or laws of the U. S. or under the constitution of this state. This exemption applies to retail sales to the state of Iowa and the U. S. government and its duly authorized agencies. The matter of the taxation of state and federal government is fully discussed in rules 47, 48, 50 and 50.1. Sales to counties, cities, towns and school districts are exempt. Rule No. 49. [Amended August 5, 1958]

Interstate sales are exempt from the retail sales tax when actual delivery of the tangible personal property sold is made outside the state or the property sold is shipped to a point outside the state of Iowa. For further regulation as to sales in interstate commerce see rule No. 55.

2. The gross receipts from the sales, furnishing or service of transportation service. This exemption applies to transportation service only and is not an exemption for freight and delivery charges when those charges become a part of the cost of the goods sold. The regulations as to this exemption may be found in rules No. 41 and 108.

3. The gross receipts from sales of tickets or



admissions to state, county, district and local fairs, and the gross receipts from educational, religious or charitable activities, where the entire net proceeds therefrom are expended for educational, religious or charitable purposes. This exempts tickets for admission to state, county, district and local fairs. The exemption does not apply to concessionaires or any activities which are not directly and entirely controlled by the several fairs. The fact that fairs enter into contracts with concessionaires on a percentage basis for the privilege of exhibitions or entertainment does not exempt the concession from payment of tax on its gross receipts. On the other hand, sales of tickets for grandstand seats, horse shows and other activities operated entirely by the fair association, are exempt from retail sales tax. The other portion of this exemption relating to the gross receipts from educational, religious, or charitable activities is limited to those functions which clearly come within the term, educational, religious and charitable activities and does not include the operating places of business separate and apart from the main purpose of said activities. In order to take advantage of this exemption, the proceeds from such activities must be earmarked so as to show that the entire net proceeds are in fact expended or are to be expended for the purposes herein set forth. Rule No. 128.

4. That part of the gross receipts from sales of tangible personal property accepted as part consideration in the sale in Iowa of other property which is not in excess of the original trade-in valuation, provided the seller keeps an accurate record of the identity of such tangible personal property so as to show the name and address of the persons from whom acquired and to whom sold and the exact trade-in and sale price.

The application of this exemption is fully discussed in rule No. 40. However, the keeping of accurate and detailed records as provided by law and rule No. 2 is a condition precedent to this exemption.

5. Senate File 54, passed by the 51st General Assembly and approved by the governor, became effective by publication April 12, 1945.

Section one (1) of the Act exempts purchases from the United States government from the provisions of the retail sales tax law. However, section two (2) of the Act provides that tangible personal property purchased from the government of the United States or any of its agencies is subject to the use tax law. [Amended August 5, 1958]

Section 422.45

**29.1 Applies to sale tax only. Exclusion by definition.** It is a primary rule of statutory construction that the legislature is its own lexicographer. That is, when the legislature by law defines anything, that thing, in the eyes of the law, is as the legislature describes it regardless of the facts. In the statutory definition of "retail sale" or "sale at retail," certain things are defined as not being sales at

retail which in the normal use of the language would be such sales. Exclusions by definition are:

a. Commercial fertilizer and agricultural limestone, see rule 25.4.

b. Another exclusion is electricity or steam when purchased and used in the processing of tangible personal property intended to be sold ultimately at retail. This exclusion is fully discussed in rules Nos. 25.2 and 25.3.

c. Tangible personal property used in processing.

This exemption applies only to property which enters into and becomes a part of some other article of tangible personal property intended to be sold at retail. That is, for any article to be excluded from the tax, that property must become an ingredient or component part of some other property to be sold at retail and it is exempt only when it becomes a part of other tangible personal property by means of fabrication, compounding, manufacturing or germination. This exemption is explained in rule No. 25.

d. Tangible personal property which is to be consumed as fuel in creating heat, power or steam for processing or for generating electrical current. Further discussed in rule No. 25.1. [Amended August 5, 1958]

Section 422.42

**29.2 Applies to sales tax only. Credit on retail sales tax.** When a special state tax is imposed on the sale of alcoholic liquor, gasoline, and diesel fuel at retail in Iowa, the rate of the special tax provides the statutory basis for the exclusion of sales tax on alcoholic liquor, diesel fuel and gasoline sales.

This rule is intended to implement section 422.46, Code of Iowa, 1962, and chapter 114, section 31, Acts of the 60th General Assembly. [Amended August 5, 1958; August 10, 1962; November 30, 1964]

Section 422.46

**30 Casual sales.** Effective March 21, 1963, "Casual sales" have been legislatively defined and exempted from sales tax. This excludes any individual, partnership, corporation or association which is a retailer under the sales tax law from collecting or reporting sales tax on the sale of tangible personal property where such sales are on a nonrecurring basis and are for other than profit purposes.

This rule is intended to implement chapter 263, sections 1 and 2, Acts of the 60th General Assembly. [Amended August 5, 1958; Rescinded August 10, 1962; Amended November 30, 1964] [See 253 Iowa 994]

**31 Applies to sales tax only. Bad debts.** Bad debts are allowable as a credit on retail sales tax when all the following facts have been shown:

1. That retail sales tax has been previously paid on the gross receipts from the accounts on which taxpayer claims credit for tax;

2. That the accounts have been found to be worthless;

3. That the taxpayer has records to show that the accounts have actually been charged off on his books for income tax purposes.

Credit for bad debts is not allowable on merchandise which was exempt from retail sales tax when sold.

Credit for bad debts is allowable on retail sales tax only at the time such accounts are charged off for income tax purposes.

Where credit on tax has been taken on account of bad debts and the debts are subsequently paid, the proceeds from the collection of such accounts must be included in the gross receipts for the quarterly period in which payment is made.

Section 422.46

**31.1 Recovery of bad debts by collection agency or attorney.** Where bad debts have been charged off and later recovered in whole or in part through the services of a collection agency or an attorney, the full amount of the debt recovered should be included with the gross sales in the quarter in which collection is made. The services of an agency or an attorney are services purchased by a retailer and nothing more.

The amount collected by an agency or attorney is made in behalf of the retailer so that the actual recovery made by the retailer is 100 percent of the amount paid to the collection agency or attorney. The amount retained by the collector is merely a payment for services rendered.

**32 Discounts — when deductible.** A discount is an abatement from the face of an account, with the remainder, the actual purchase price of the goods charged in the account. The purchaser entitled to the discount never owes the face of the bill as his debt, his debt being the net of the bill after the agreed discount has been deducted. The word "discount" therefore simply means to buy at a reduction.

Any discounts allowed by retailers and taken on taxable retail sales are proper deductions in collecting and reporting sales tax. This is not the case where a retailer offers a discount to a purchaser but bills and collects sales tax on the gross charge rather than the net charge. The customer must receive the benefit of the discount in order for the retailer to exclude it from his gross receipts.

Certain retailers (e.g.—gas and electric companies) bill their customers on a gross and net basis, with the difference considered to be a discount for payment purposes. Where a customer does not resolve the bill within the net payment period, sales tax applies on the gross charge shown on the billing.

If an over-allowance is granted by a retailer for merchandise received as consideration on a retail sale, it is not deemed to be a discount for sales tax purposes. All discounts allowed on transactions other than retail sales are not proper deductions for sales tax purposes.

This rule is intended to implement section 422.42(6), Code of Iowa, 1962. [Amended August 10, 1962; November 30, 1964]

**32.1 Trading stamps not a discount.** The Iowa Supreme Court held in the Benner Tea Company vs. Tax Commission\* case that the issuance of trading stamps by a retailer was not considered to be a discount for calculating and reporting sales tax. [Filed August 10, 1962]

**33 Applies to sales tax only. Defective merchandise.** If merchandise is sold to a customer who finds a defect in the goods and secures an allowance on the purchase price, the seller may deduct from gross receipts the amount allowed for defects.

No allowance shall be made for the credit on any merchandise which is exempt from the retail sales or use tax. No allowance shall be made for goods sold for resale and returned. No allowance shall be made for return of defective merchandise where the amount of the sale has not been reported in the taxpayer's gross sales and sales tax computed thereon.

**33.1 Applies to sales tax only. Returned merchandise.** When merchandise which has been sold by a taxpayer is returned by the customer who secures an allowance or a return of the purchase price, the seller may deduct the amount allowed as credit or refund provided that the merchandise is taxable merchandise and that the tax thereon has been either charged or paid.

No allowance shall be made for the return of any merchandise which is exempt from the retail sales or use tax. No allowance shall be made for goods sold for resale and returned. No allowance shall be made for return of merchandise where the amount of the sale has not been reported in the taxpayer's gross sales or sales tax previously paid thereon.

Section 422.42

**34 Applies to sales tax only. Goods damaged in transit.** If the title of goods shipped by a retailer has passed to the consumer and thereafter the goods are damaged in the course of transit to the consumer, the retailer will be liable for the tax upon the full selling price of the goods as the sale will have been completed. If the title to the goods did not pass to the consumer, the sale to the consumer is not completed and there will be no tax on the retailer for the amount agreed to be paid by the consumer.

If the goods are destroyed, the tax will not apply to the damages paid the retailer for their destruction. If the goods are not destroyed and if upon the payment of damages the carrier acquires title to the goods in their damaged condition, the tax will apply to that portion of the damages paid which represents the fair retail value of the goods in their damaged condition at the time the carrier

\*252 Iowa 848.

obtained title thereto unless they are purchased by the carrier for the purpose of resale.

Amounts paid as damages to owners who are not in business are not subject to the tax.

35 Applies to sales tax only. Consignment sales. Where retailers receive articles of tangible personal property on consignment from others and the consigned merchandise is sold in the ordinary course of business along with other merchandise owned by the retailer, such retailers or consignees are held to be making sales at retail. In such cases, the returns shall be filed and the tax remitted to the state by the consignees, along with their remittances and returns of gross receipts from the sale of other merchandise.

Where a person operates for the purpose of selling property for others, such person is deemed to be a retailer and shall procure a retail sales tax permit and be liable for the retail sales tax, the same as if the property sold had belonged to him. [Amended November 30, 1964]

This rule is intended to implement section 422.42(5), Code of Iowa, 1962.

36 Applies to sales tax only. Leased departments. Where a person who holds a retail sales tax permit and is engaged in the sale of tangible personal property at retail in Iowa leases a part or parts of the premises where his retail business is conducted to other persons who are independently engaged on the leased premises in selling tangible personal property at retail in Iowa, the receipts from which are subject to the retail sales tax, the lessor shall immediately notify the commission as to the name and home office address of the lessee, the type of merchandise the lessee is engaged in selling, and the date when the lessee began making such sales at retail in Iowa on said leased premises.

The lessor shall furnish such information on Form ST-200 which will be provided by the commission upon request and indicate on such form whether the lessee has secured a retail sales tax permit and will account directly to the commission for the sales tax due, or whether the lessor will incorporate in his sales tax return the receipts from the sales at retail of the lessee subject to the law.

If the lessor fails to notify the commission that a department has been leased and to furnish information as to the lessee's address, starting date, and type of business, the lessor shall be held responsible for the sales tax due as a result of the sales at retail made by the lessee subject to the sales tax law, unless the lessee shall have properly remitted the tax due.

The lessor who has leased a department or departments shall show on the reverse side of his, the lessors' retail sales tax return ST-50, the names and addresses of all lessees operating a leased department and after the name of each lessee shall show the amount of net taxable sales made by said lessee and which net taxable sales are included in the lessor's

return, in the instance where the lessor is accounting for the lessee's sales; or the sales tax permit number of the lessee, where the lessee is reporting his tax directly to the commission.

The lessor shall notify the commission immediately when the lessee has terminated his selling activities.

Hereinafter set out is Form ST-200, a copy of which will be furnished by the commission upon request for the lessor's use in reporting the leased departments. A separate report should be made for each lessee.

Form ST-200.

LESSOR'S NOTICE OF LEASING DEPARTMENT TO THE: IOWA STATE TAX COMMISSION RETAIL SALES TAX DEPARTMENT

..... (Name and Business Address of Lessor) hereby notifies you that it is operating a place of business at the above address and is there engaged in selling tangible personal property at retail in Iowa, for which it holds retail sales tax permit No. ....

That on the.....day of....., 19....., it leased a space or a department in said place of business to the lessee hereinafter described, for the lessee's use in selling tangible personal property at retail in Iowa.

..... (Name of Lessee)

..... (Address of Lessee's Principal Place of Business— Street—City—State)

..... (Type of Tangible Personal Property which Lessee is selling at Retail)

..... (Date Lessee began Selling at Retail from Leased Premises, day, month, year)

Will lessor report and remit to the Retail Sales Tax Department under its (the lessor's) permit No..... the retail sales tax on sales at retail made by lessee from the above leased location? .....

(Answer "Yes" or "No")

Will lessee report and remit directly to the Sales Tax Department the retail sales tax on sales made at retail by the lessee from the above leased location? .....

(Answer "Yes" or "No")

Does the lessee now hold a retail sales tax permit for the above leased location? .....

(Answer "Yes" or "No")

If the answer is "Yes" what is the number of the permit so held? .....

..... (Name of Lessor)

By..... (Date)

NOTE: The sales tax permit number appears above the taxpayer's name on the sales tax permit.

37 Federal excise taxes. After the passage of the Revenue Act of 1941, the commission ruled that federal manufacturers' excise tax imposed by that Act may not be deducted from the selling price of tangible personal property as a base for computing the Iowa retail sales tax or use tax, except sales made directly to the user or consumer by the manufacturer.

The commission further held that the re-

tailers' excise tax is not imposed until the sale is actually made. Therefore, the retailers' excise tax is not part of the selling price of the tangible personal property and is not included in the base on which the retail sales or use tax is computed.

In all cases where the retailers' excise tax is billed or charged as a separate item, or in any event, where it has been definitely shown by the retailers that the retailers' federal excise tax was included in the price for which the article was sold, deductions from gross sales can be made in an amount equal to the tax paid by the retailer to the federal government.

Federal manufacturers' excise taxes are to be included in the gross sales on which tax is computed, unless, the manufacturer acts as retailer and sells directly to the consumer, in which case, the tax may be deducted in computing gross sales. The manufacturer's federal excise tax is considered as part of the wholesale price and is not to be deducted by the retailer when making a sale at retail.

**37.1 Federal manufacturers' excise taxes.**

This commission has consistently held that federal manufacturers' excise taxes levied by prior revenue acts constituted a part of the purchase price of articles subject to the tax when sold to retailers and was, therefore, a part of the tax base for the purpose of computing Iowa sales tax. This rule has not been changed.

**EXAMPLE 1: Sale by Manufacturer Direct to Consumer:**

The "X" Adding Machine Company, an Iowa manufacturer, sold to "Y," an Iowa consumer, an adding machine which it had manufactured. The "X" Adding Machine Company invoiced the adding machine to "Y" as follows:

X Adding Machine .....	\$150.00
Federal Tax .....	15.00
	\$165.00

The Iowa sales tax is \$3.00, 2% of \$150.00.

**EXAMPLE 2: Sale by Retailer:**

The "A" Vacuum Cleaner Company sold for resale an electric vacuum sweeper which it had manufactured to the "B" Electric Appliance Company, an Iowa company, and the invoice read as follows:

Model 1040 Sweeper .....	\$40.00
Federal Tax .....	4.00
	\$44.00

The "B" Electric Appliance Company sold the vacuum sweeper to "C," an Iowa consumer, and invoiced it as follows:

Model 1040 Sweeper .....	\$64.00
The Iowa sales tax is \$1.28, 2% of \$64.00 and this would be so, had the invoice read:	
Model 1040 Sweeper .....	\$60.00
Federal Tax .....	4.00
	\$64.00

**37.2 Federal retailers excise taxes.** The federal government imposes on jewelry, furs,

toilet preparations and luggage sold at retail, a tax equivalent to ten percent of the price for which it is sold.

The tax commission holds that the retailers excise tax is imposed on the purchaser and does not subject it to the Iowa sales tax. This type of federal tax is different in application than the manufacturers excise tax and it likewise affects the Iowa sales tax. [Amended August 10, 1962]

**37.3 Federal admission tax.** Certain admission charges previously exempted from federal admission taxes are denied exemption by the Revenue Act of 1941. Such exemption has previously applied to charges for admission when all the proceeds from all such charges inured to the benefit of charitable, religious or educational organizations or to agricultural fairs. Although the amendment to the federal admission tax law provides for the collection of the federal admission tax on all amounts charged for admissions, unless specifically exempted, the method of computing the Iowa admissions tax as outlined in rule No. 20, is unaltered, except that the federal excise tax shall not be considered a part of the admission on which the Iowa sales tax is computed. [Amended August 5, 1958]

**37.4 Federal excise tax on electric light bulbs.** The federal tax on electric light bulbs is a manufacturers tax and not a retailers tax, therefore, the retail sales tax must be computed on the full selling price of the electric light bulbs including the so-called excise tax added to the selling price by the retailer. [Amended August 10, 1962]

**37.5 Federal excise tax on auto parts.** The federal excise tax on automobile parts is a manufacturers' tax, therefore, the tax must be computed on the full selling price including the so-called tax, for the same reason as set forth in rule No. 37.4.

**37.6 Federal tonnage tax.** The federal tonnage tax, being a tax similar to the federal retailer's excise tax, does not become a part of the selling price of tangible personal property sold at retail and is, therefore, excluded from the gross receipts on which retail sales tax is computed. This rule applies only to tax on delivery after a retail sale shall have been made. Tax on transportation prior to a retail sale becomes part of the cost of the goods and is not exempt from the gross receipts upon which retail sales tax is computed.

**38 Sale of Motor Vehicles—New and Used—By Dealers.** Section 423.8 exempts from the retail sales law, receipts derived from the sale at retail in Iowa of new motor vehicles and new trailers which are required to be registered under the motor vehicle laws of Iowa. However, motor vehicle or trailer dealers, selling at retail in Iowa are required to hold a retail sales tax permit and upon filing their quarterly sales tax returns shall show the amount of their gross receipts derived from

the sale of such new motor vehicles or new trailers and shall take appropriate deductions, in the space provided on the return Form ST-50, for such items.

Persons engaged in the business of selling at retail in Iowa used motor vehicles or used trailers are not exempted from retail sales tax, but are liable for the payment of sales tax on such gross receipts, subject to the provisions of the "Trade-in" Rule No. 40, and the provisions of the sales tax law.

However, the purchaser of a new motor vehicle or new trailer is subject to the payment of use tax when such item is registered in Iowa under the Iowa motor vehicle law, and the county treasurer or the motor vehicle registration division, department of public safety, whichever issues the registration, shall collect the use tax and furnish a receipt therefor as provided for by section 423.7 and Rule No. 199.

"New motor vehicle" shall mean any motor vehicle of a type subject to registration under the laws of this state which has not been previously registered in this or any other state.

"Used motor vehicle" shall mean any other motor vehicle than a "new motor vehicle". [Filed August 5, 1958]

Sections 423.1(7), 427.7 and 423.8

**39 Dealers selling new trailers, including house, farm and other trailers.** Section 423.8, Code of Iowa, provides that motor vehicle and trailer dealers are exempted from sales tax with respect to their receipts from retail sales of new motor vehicles or new trailers, as these terms are defined in the motor vehicle law of Iowa, which are required to be registered under such motor vehicle law.

The Iowa motor vehicle law, was amended, effective July 4, 1961, by chapter 108, Acts 59G.A., to provide that all "House Trailers" and "Mobile Homes" be registered under section 321.123, whether or not for highway use.

This means that Iowa dealers receipts from sales at retail of new house trailers and new mobile homes made on and after July 4, 1961, are exempted from sales tax. Such dealers should report such receipts on their quarterly sales tax returns to the state tax commission and take appropriate deductions under 2 (F) of the return.

The county treasurer or state motor vehicle registration division shall, before issuing a registration for a new house trailer or new mobile home sold on or after July 4, 1961, collect the use tax due and give a proper receipt therefor and report and remit same in its monthly report to the commission.

With respect to each "Mobile Home" and each "House Trailer" for which application for registration is made, which has not been previously registered in Iowa under the motor vehicle law, as well as such units which may have been registered in another state, but have been purchased by non-Iowa consumers, the office issuing the registration shall collect any use tax due, or secure an affidavit form

UT-503 and state thereon the reason why use tax is not due, if this be the case, even though the applicant may have acquired the unit before July 4, 1961.

A consumer before July 4, 1961, buying a house trailer or mobile home either new or used, from an Iowa dealer, where the use tax was not paid nor the sales tax paid the dealer would be a situation where tax would appear due, and section 321.30 (6) of the motor vehicle law provides registration shall be refused if the required sales tax was not paid to the dealer, as well as section 423.7 of the use tax law providing use tax due shall be paid before registration. If there is a proper basis for exemption, the complete facts should be given on affidavit form UT-503, the reverse side to be used if space is needed.

The office issuing the registration need not review, for sales or use tax purposes, an application for registration of a mobile home or house trailer purchased by the applicant longer than five years before the date of the application for registration. [Amended August 10, 1962]

Section 321.123

Sections 423.7 and 423.1 (7)

**40 Applies to sales tax only. Sales of trade-in allowance deduction.** A.1. The general rule is that the gross receipts from the sale of tangible personal property at retail in Iowa is subject to a two percent tax, unless expressly and specifically excluded or exempted in the law itself. It is immaterial whether the gross receipts were derived from the sale at retail of new or used tangible personal property, and further, it is immaterial whether or not purchaser pays the retailer for the merchandise in cash, credit or uses other tangible personal property in part or in whole consideration for the payment of the purchase price, inasmuch as "Gross Receipt" is defined in the law as meaning the total amount for which property is sold, valued in money whether received in money or otherwise.

2. One exception from the general rule stated in the preceding paragraph is due to the provisions of the retail sales tax law found under subsection 5 of section 422.45, Code of Iowa, which reads in part as follows:

"*Exemptions:* There are hereby specifically exempted from the provisions of this division and from the computation of the amount of tax imposed by it, the following:

5. That part of the gross receipts from sales of tangible personal property accepted as part consideration in the sale in Iowa of other [tangible personal] property which is not in excess of the original trade-in valuation, provided the seller keeps an accurate record of the identity of such tangible personal property so as to show the name and address of the person from whom acquired and to whom sold and the exact trade-in and sale price.

A retailer who collects sales tax on the selling price of traded-in tangible personal property in excess of the tax due from the pur-

chaser shall be deemed to have thereby waived the right to claim the exemption provided for in this subsection and the tax so collected shall be due to the state of Iowa and remitted to the state tax commission, as provided by this chapter, and be credited to the state road tax fund."

B.1. An article of tangible personal property acquires a trade-in status under the provisions of the retail sales tax law, subsection 5 of section 422.45, only when it is acquired by the retailer as part consideration, full consideration or greater, concerning the sale at retail in Iowa of other tangible personal property and further provided the retailer keeps the necessary records required herein.

2. Property acquired as consideration from the sale of other property at wholesale or for resale, or any other sale except at *retail in Iowa*, does not require a trade-in status. [Amended August 5, 1958]

3. Where property is sold in interstate commerce subject to use tax and other property is taken in as payment, the latter does not acquire a trade-in status, because the sale was not at retail in Iowa, and further because no provision exists in the use tax law relative to trade-ins or their exemption.

4. Whenever a retailer acquires from another retailer (hereinafter referred to as the "original retailer") property having a trade-in status under rule B.1, above, of the commission and receives from the original retailer the latter's affidavit on a completed form prescribed by the commission specifying the identity of such property, the amount of the trade-in allowance thereon, the cost of all parts added thereto by the original retailer and the name and address of the person from whom said property was received by the original retailer in trade, such property shall have the same trade-in status as it had in the hands of the original retailer. Such affidavit shall be retained by the acquiring retailer among his trade-in records. [Amended November 30, 1964]

This rule is intended to implement section 422.45 (4), Code of Iowa, 1962. (This paragraph of rule No. 40 was not approved by the Department Rules Review Committee.)

C.1. Where tangible personal property, which has acquired a trade-in status under the provisions of the law and the rules of the commission, is sold at retail in Iowa the gross receipts therefrom are exempted in an amount not to exceed the trade-in allowance, provided proper accounting is made and kept of tangible personal property in the form of parts, repairs or accessories added to the trade-in by the seller prior to its sale by said seller.

2. The retailer when preparing his retail sales return shall indicate and reflect under "item 1" the total selling price of trade-ins sold during the quarterly period covered by the return. The proper trade-in allowance deduction, with respect to the sale of such trade-

ins as are reported under "item 1," should be shown under "item 2g" of the sales tax return and the amount of such deduction to be determined in the manner set forth in part "E" of this rule.

D.1. The gross receipts from the sale of traded-in property in excess of the trade-in allowance is subject to the two percent sales tax and the retailer shall pass the amount of the tax due on to the consumer customer.

2. The amount of tax to be collected by the retailer from his customer shall be determined by the retailer at the time of such sales transaction where traded-in tangible personal property is sold and an entry shall be made by the retailer in his records concerning each individual transaction.

3. The trade-in records shall reflect:

- (1) The identity of the trade-in;
- (2) The name and address of the person from whom same was acquired;
- (3) The identity of the property sold when the trade-in was acquired;
- (4) The amount in dollars of trade-in allowance by dealer;
- (5) The cost price to the dealer in dollars of any tangible personal property, in the form of repairs, parts or accessories added by the dealer to the trade-in before its sale by the dealer;
- (6) Name and address of person to whom trade-in was sold;
- (7) The amount of gross receipts by the dealer from the sale of the trade-in;
- (8) The amount of sales tax charged the customer by the dealer concerning the sale of the trade-in;
- (9) The amount of trade-in allowance deduction, which the dealer is entitled to take, if any, concerning each sales transaction, as determined from the application of part "E" of this rule.

E.1. Where a trade-in, on which *no parts have been added*, is sold at retail for an amount *less* than the trade-in allowance, the dealer would owe no tax and would therefore not be entitled to charge any tax to this customer. The dealer's trade-in allowance deduction in this case would be an amount equal to the selling price of the trade-in.

2. Where a trade-in, on which *no parts have been added*, is sold at retail for an amount *greater* than the trade-in allowance, the dealer would owe a tax of two percent of the amount in excess of the trade-in allowance, which amount of tax he would be entitled to pass on to the consumer customer. The dealer's trade-in allowance deduction in this case would be the actual trade-in allowance.

3. Where a trade-in, on which *parts have been added*, is sold at retail for an amount *less* than the trade-in allowance, the dealer would owe two percent tax on his purchase price of parts so added, and this amount of tax he

would be entitled to charge his consumer customer. The dealer's trade-in allowance deduction in this case would be an amount equal to the selling price of the trade-in less the cost of the parts added.

4. Where a trade-in, on which parts have been added, is sold at retail for an amount which exceeds the trade-in allowance to the extent of the cost of or greater of the parts added, the dealer would owe two percent tax on the amount in excess of the trade-in allowance, which tax he would be entitled to pass on to his consumer customer. The dealer's trade-in allowance deduction in this case would be the actual trade-in allowance.

5. Where a trade-in, on which parts have been added, is sold at retail for an amount which exceeds the trade-in allowance but not to the extent of the cost of the parts added, the dealer would owe two percent tax on his purchase price of the parts added, which amount of tax he would be entitled to pass on to his consumer customer. The dealer's trade-in allowance deduction in this case would be the actual trade-in allowance less the amount by which the excess selling price fails to equal the cost of the parts added.

6. Where a trade-in is sold at retail and the retailer collects tax from the purchaser in excess of the tax due, the total tax collected shall be due the state. In such cases the dealer's trade-in allowance, if any, to which he might have been otherwise entitled but for the excessive tax collection, shall be reduced by an amount equal to the amount on which excessive tax was collected from this customer. If tax is collected by the dealer on the full selling price of the trade-in, then the full tax shall be remitted to the state and of course the dealer would not be entitled to any trade-in allowance deduction on such transaction.

7. Where property is taken in by a retailer as consideration for the sale of other merchandise, which trade-in property has a greater value than the merchandise sold, the actual trade-in allowance shall be for the purpose of this rule, an amount equal to the selling price of the merchandise sold.

F.1. Where a trade-in has been sold at retail and is repossessed, the dealer who sold and repossessed may take credit on his sales tax return for the quarter during which the item is repossessed, in an amount equal to any excess sales price on which he has previously reported and remitted the sales tax to the state, provided he has not collected from his customer the selling price in excess of the trade-in allowance, prior to the repossession. On the next sale the trade-in allowance will be the actual trade-in allowance less the amount of selling price collected by the dealer on the previous sale.

2. If the dealer has remitted no sales tax to the state on a trade-in sale, then upon repossession the dealer would be entitled to no repossession credit. However, when sold again the trade-in allowance would be the actual

trade-in allowance less the amount of sale price collected on the previous sale.

G.1. Unless the records required herein are kept and maintained no trade-in allowance deductions will be recognized by the commission.

2. Any changes or modifications reflected herein from previous rulings of the commission shall be effective as of January 1, 1951.

**41 Freight, delivery and other transportation charges.** When tangible personal property is sold at retail in Iowa and under the terms of the sales agreement the seller is to deliver the property to the buyer at a certain point and does so deliver it, the charge made by the seller for delivering the property shall be considered a part of the gross receipts of the seller from the sale and subject to the sales tax, even though the charge is separated, in the seller's billing to the consumer, or even though the purchaser pays the carrier and deducts the charge from the billing.

When tangible personal property is sold at retail in Iowa and the seller under the terms of the sales agreement has no responsibility to deliver the property sold to the buyer, but does so deliver it, any charges for freight or transportation separately stated in the billing to the consumer and in the seller's records are not a part of the gross receipts from the sale and are not subject to the sales tax.

In other words, freight or transportation charges which occur before the sale is completed are the expense of the seller and are a part of the tax base on which the tax is computed whether or not they are separately shown, whereas, freight or transportation charges which occur after the sale is completed is the expense of the buyer, and if separated on the seller's records and billing to his customer are not a part of the tax base on which the tax is computed. [Amended August 10, 1962]

Sections 422.42 (6), 422.42 (2) and 422.45 (2)

**42 Installation charge where tangible personal property is sold at retail.** In general the gross receipts derived from the furnishing of services rendered apart from the sale of tangible personal property are not subject to the retail sales tax.

Where the sale of tangible personal property involves a charge for the installation of the property sold, in instances where the property remains personal after installation, the sales tax shall be measured by two percent of the entire receipts from the sale, including the installation, unless the installation charge is set out separately and apart to the purchaser from the charge made for the personal property installed.

The value of labor or services used in connection with the fabrication of tangible personal property is never to be excluded from the receipts on which the tax is computed, where the tangible personal property fabricated is sold at retail.

**43 Wholesalers and jobbers selling at retail.** Sales made by a wholesaler or jobber to



a purchaser for use or consumption by himself or in his business, and not for resale, are subject to the sales tax even though made at wholesale prices or in wholesale quantities. Such wholesalers or jobbers must keep accurate records of sales and pay the retail sales tax on sales for use or consumption.

Sales made to employees or through employees to consumers are subject to the sales tax. [Amendment filed August 19, 1954]

Where wholesalers principal business is selling tangible personal property for resale purposes, a request to the tax commission should be made to only include the retail or taxable sales on the quarterly return. When this request is honored, it will not be necessary for the wholesaler to report all retail sales in the gross sales and then deduct them intact. [Amended August 10, 1962]

Section 422.51

**44 Materials and supplies sold to retail stores.** Receipts from the sales of materials and supplies to retail stores for their use and not for resale are subject to the sales tax. The retail store is the final buyer and ultimate consumer of such items as fuel, cash registers, adding machines, typewriters, stationery, display fixtures, and numerous other commodities which are not sold by the store to its customers.

**45 Applies to sales tax only. Trustees, receivers, executors and administrators.** Where trustees, receivers, executors or administrators, by virtue of their appointment, continue to operate, manage or control a business involving the selling of tangible property or engage in liquidating the assets of a business by means of sales made in the usual course of trade, they must hold retail sales tax permits and collect and remit the sales tax. Such officers are liable to collect and pay either sales or use tax notwithstanding the fact that they may have been appointed by a state or federal court.

A retail sales tax permit of a ward, decedent, cestui que trust, bankrupt, assignor or a debtor for whom a receiver has been appointed which is valid at the time fiduciary relation is created shall continue to be a valid permit for the fiduciary to continue the business for a reasonable time or for closing out the business for the purpose of settling an estate or terminating or liquidating a trust.

**46 Applies to sales tax only. Mortgagees and trustees.** The receipts from a sale of tangible personal property at public auction pursuant to the provisions of a chattel mortgage are not taxable if (1) the sale is made by virtue of a court decree of foreclosure by an officer appointed by the court for that purpose or (2) if the property is bid in by the mortgagee.

The tax applies to receipts from other foreclosure sales where goods and chattels are sold at retail.

**47 Sales by or to the United States government.** Sales of tangible personal property made

directly by or to the United States government or to recognized agencies or departments of the United States government are not subject to the sales tax. Sales to a United States post office, a veterans hospital, or to any other recognized agency, instrumentality or department under federal control are not subject to the tax. [Amended August 10, 1962]

Sales of food stuffs and meals by a cafeteria or a restaurant operated by a United States post office, whether made to federal employees or to others, are not subject to the tax.

Sales at retail made directly to patients, inmates or employees of an institution or department of the United States government are taxable sales since not made directly to the government. However, sales similarly made by post exchanges and other establishments organized and controlled by federal authority are not subject to the tax.

**AGENCIES AND ACTIVITIES IN FEDERAL AREAS WHICH ARE DEEMED FEDERAL INSTRUMENTALITIES**

Post funds

Post exchanges

Company funds

Officers club funds

Athletic activities funds

Public relations officers funds

Provost marshal activities funds

War department theater activities funds

Recreation center board activities funds

Noncommissioned officers' club activities funds.

**48 Sales to the United States government or to the state of Iowa.** Sales to the United States government or to the state of Iowa, or to federal bureaus, departments or instrumentalities, are not taxable, provided such sales are ordered on prescribed government forms of purchase order, and are paid for directly to the seller by warrant on government funds. [Amended August 10, 1962]

**48.1 Applies to sales tax only. Sales by the government of the United States.** Sales made by the government of the United States are exempt from the retail sales tax.

**49 Sales to agencies or instrumentalities of federal, state, county and municipal government exempt.** Construction contractors taxable. The gross receipts of all sales of goods, wares or merchandise used for public purposes to any tax-certifying or tax-levying body of the state of Iowa or governmental subdivision thereof, including the state board of regents, board of control of state institutions, state highway commission and all divisions, boards, commissions, agencies or instrumentalities of state, federal, county, or municipal government which derive disburseable funds from appropriations or allotments of funds raised by the levying and collection of taxes, except sales of goods, wares, or merchandise used by or in connection with the operation of any municipally-owned public utility engaged in selling



gas, electricity or heat to the general public, are exempt from sales and use tax.

This tax exemption does not apply to construction contractors who create or improve real property for federal, state, county and municipal instrumentalities or agencies thereof. The contractors therefore are subject to sales and use tax on all personal property they purchase regardless of the identity of their construction contract sponsor. [Filed August 19, 1954; amended November 30, 1964]

See section 422.45

This rule is intended to implement section 422.45 (5), (6), as amended by chapter 264, Acts of the 60th General Assembly.

**49.1 to 49.3** Stricken August 19, 1954.

**50 Sales to certain corporations organized under federal statutes.** Sales of tangible personal property or taxable services to the following corporations are sales for final use or consumption to which the sales tax applies: Federal savings and loan associations, national banks, federal savings and trust companies, and other organizations of like character.

**50.1 Sales to certain federal corporations.** As a result of the decision of the United States Supreme Court in Federal Land Bank of St. Paul v. Bismarck Lumber Company, 314 U. S. 95, 62 S. Ct. 1, this commission holds that the following federal corporations are immune from the imposition of retail sales tax and consumers use tax in connection with their purchases.

1. Federal Land Banks
2. Federal Deposit Insurance Corporation
3. Home Owners' Loan Corporation
4. Commodity Credit Corporation
5. Federal Farm Mortgage Corporation
6. Federal Home Loan Banks
7. Reconstruction Finance Corporation
8. Defense Plant Corporation
9. Defense Supplies Corporation
10. Metals Reserve Company
11. Rubber Reserve Company
12. Reconstruction Finance Corporation Mortgage Company
13. Federal National Mortgage Association
14. Disaster Loan Corporation

The federal statutes creating the above corporations contain provisions substantially identical with section 26 of the federal farm loan Act which the court construed as barring the imposition of state and local retail sales taxes.

This rule applies only to the imposition of the tax upon the federal agencies as the ultimate consumers and does not limit the authority of this commission to require the agencies to collect the retail sales tax or consumers use tax upon sales made by them.

**51 Applies to sales tax only. Relief agencies.** Relief agencies, except those operated directly by the state of Iowa, are not exempt

from retail sales tax, however, the law does provide that a relief agency may apply to the commission for refund for the amount of sales tax paid by it upon purchase of goods, wares or merchandise used for free distribution to the poor and needy.

In order that refund of sales tax paid on purchases used in free distribution to the poor and needy may be considered, the following requirements must be complied with:

1. Application shall be filed in with pen and ink or typewritten on form ST-52 supplied by the commission.

2. Name of agency, and the quarterly period for which refund is claimed must be shown on the face of all applications.

3. Applications shall be signed, notarized, and filed with the commission in duplicate.

4. Applications shall include only payments made during one quarterly period, and shall be filed within forty-five days after the end of that quarterly period.

5. Applications shall include only payments made for goods, wares or merchandise used for free distribution to the poor and needy.

6. In the "Warrant or Voucher Number" column, applicant shall show the number of warrant or voucher that was tendered to the merchant in payment of the purchases listed. The date on which the warrant or voucher was issued must be shown above the listings of the warrants or vouchers issued on that date.

7. Name of the merchant or company from whom the merchandise was purchased shall be shown in the "Purchased From" column.

8. Merchant or company's sales tax permit number shall be shown in the column entitled "Permit Number," as well as the address of that merchant in column entitled "Address."

9. In the column provided for "Type of Purchase" applicant shall describe as clearly as possible the nature of the merchandise purchased. Applicants shall not use such indefinite terms as merchandise, supplies, hardware, repairs and the like, as such terms do not furnish sufficient information.

10. The amount of the warrant or voucher and the amount of tax paid shall be shown in the columns so provided. Each individual column must be totaled at the bottom of every page. The last page of the application must also show the grand totals.

11. The relief agency shall prove to the satisfaction of the commission that the person making the sales has included the amount thereof in the computation of his gross receipts and that such person has paid the tax levied by the retail sales tax Act on such sales to the relief agency.

12. Where purchases shall have been made for institutions such as county poor farms, orphanages and the like, the portion of the purchases consumed by the employees is not refundable, therefore, so that correct percent-

age figures may be determined, those institutions which file applications for refund of sales tax are required to submit with their applications one copy of form entitled "Charitable Institution Questionnaire." Such information must be furnished on this questionnaire to properly determine percentage basis for the refund.

There is no provision in the law for the refund of use tax paid by relief agencies.

#### Section 422.47

**52 Containers — including packing cases, shipping cases, wrapping material, etc.** Receipts from the sale of containers, labels, cartons, packing cases, wrapping paper, wrapping twine, bags, bottles, shipping cases, and similar articles and receptacles sold to manufacturers, producers, wholesalers, retailers, or jobbers, which are used by the groups last mentioned as containers which hold or encompass the tangible personal property which they are engaged in selling, either for resale or at retail, provided the charge made for the property sold includes the container and the title to the container passes to the purchaser with the merchandise sold, are not subject to the Iowa retail sales tax.

The receipts from the sale of containers as hereinbefore described are subject to the retail sales tax when such containers are sold to persons who use such containers in connection with the sale of tangible personal property where such person retains the title to the container. In many such cases the seller at retail of tangible personal property purchasing containers makes a deposit charge to insure the return of the container.

Receipts from the sale of containers as hereinbefore described, when made to persons who are solely engaged in rendering service, the receipts from which are not subject to the retail sales tax law, and where the containers are used in connection with the rendition of such services, are subject to the retail sales tax.

Sales of containers, cartons, packing cases, wrapping paper, bags, and similar articles and receptacles sold to other than manufacturers, producers, wholesalers, and jobbers, may be divided into two groups, as follows:

a. Those which ordinarily are delivered with the merchandise sold to the final buyer or ultimate consumer where no separate charge is made therefor. This class includes such items as boxes, cartons, paper bags, wrapping paper and wrapping twine, in which purchases are delivered to customers. The sale of such containers is not taxable except in the case of such containers and supplies sold to one whose gross receipts are not taxable by reason of being service institutions, such as dry cleaners, laundries and similar service. Persons rendering service are the consumers of such items, and sales of them are taxable.

b. Containers which are used for the purpose of delivering tangible personal property sold to customers, which are to be, or may be,

returned to the seller of the tangible personal property. This class includes such containers as milk bottles, water bottles, carboys, drums, and many others, the title to which remains in the seller and which are ordinarily used by him in making other deliveries. He consumes or uses them in his business and the sale to him of such containers is taxable. Such tax liability is not avoided if a deposit is made by, or required of the customer, to secure the re-delivery of the container.

**52.1 Tangible personal property used to insure safe delivery of other tangible personal property intended to be sold ultimately at retail.** Packing paper, lining paper (including paper used to line cars, boxes and crates), excelsior and blocks and like tangible personal property used to insure safe delivery of tangible personal property intended to be sold ultimately at retail, the title to which passes to the purchaser, is exempt from retail sales and use tax.

The gross receipts from the sale of like tangible personal property used in the performance of a service are taxable.

**52.2 Labels, tags and nameplates.** Labels, tags and nameplates when attached to tangible personal property subject to the retail sales tax shall be considered part of the container and all of the provisions of rule No. 52 shall apply thereto.

**52.3 Paper plates, paper cups, paper dishes, paper napkins, paper and wooden spoons and forks, straws and butterchips.** Where paper cups, plates, dishes, napkins, spoons, forks, straws, butterchips and wooden spoons and forks are sold with taxable tangible property and are expended by such use, then the sale of such property to retailers is considered a sale for resale and is not taxable under the retail sales or use tax laws.

Where the above-mentioned articles are sold in connection with service or for free distribution by retailers, separate and apart from a retail sale, then said articles will be deemed to be a retail sale and are taxable.

The purchase of placemats by retailers who sell meals, subjects the purchaser to either sales or use tax, depending upon the source of supply. [Amended November 30, 1964]

This rule is intended to implement section 422.42(3) and 423.1(1), Code of Iowa, 1962.

**52.4 Containers—wholesale bakeries.** Bakeries purchasing metal or wooden containers for use in delivering bread or other bakery products to retailers are considered to be the consumer of such containers unless title and possession passes to the retailer at time of delivery. If bakery retailers contend the title or possession passes to their retail customers on any containers used in delivering bakery products, proper showing must be made by the bakeries to support that contention. [Filed June 30, 1955, amended August 10, 1962]

**53** Applies to sales tax only. Tangible personal property purchased for resale but incl-

**dentally consumed by the purchaser.** Retailers engaged in the business of selling tangible personal property who take merchandise from stock for personal use, consumption or gift, must report and pay sales tax on such merchandise. Such retailers may consider all their wholesale purchases as being made for resale purposes, and shall be liable for the tax on such items as they themselves consume or give away. Such retailers must enter on their books the cost of all such property that they have removed from stock for personal consumption or gifts, and must pay the tax measured by two percent of the amount of the cost to them. Articles taken from stock should be reported on the regular retail sales tax return under item 1 "a". [Amended August 10, 1962]

**54 Sales by employers to employees—employees' meals.** Where an employer furnishes tangible personal property to employees without charge, or uses merchandise through gifts or consumption, the cost of all such merchandise must be included in item 1 "a" of the quarterly return with sales tax thus reported.

When an accurate record of meals consumed by employees, the family of the retailer and himself is not kept, the commission requires sales tax to be reported at the rate of five dollars per week per person. The total quarterly amount must be shown in item 1 "a" of the tax return. [Amended August 5, 1958]

**55 Sales in interstate commerce—goods shipped from this state.** When tangible personal property is sold within the state and the seller is obligated to deliver it to a point outside the state or to deliver it to a carrier or to the mails for transportation to a point without the state, the retail sales tax does not apply, provided the property is not returned to a point within this state. The most acceptable proof of transportation outside the state will be:

- (a) A waybill or bill of lading made out to the seller's order calling for delivery; or
- (b) An insurance or registry receipt issued by the United States postal department, or a post-office department's receipt; or
- (c) A trip sheet signed by the seller's delivery agent and showing the signature and address of the person outside the state who received the delivered goods.

When tangible personal property is sold and delivered in this state to the buyer or his agent, the sales tax applies even though the buyer may subsequently transport that property out of the state. Sales tax also applies when personal property is sold in Iowa to a common carrier and then delivered by the purchasing carrier to a point outside of Iowa for use. [Amended August 10, 1962] [Attorney General September 9, 1960]

**GOODS COMING INTO THIS STATE**

When tangible personal property is purchased in interstate commerce for use or con-

sumption in this state, where delivery is made in this state, and the seller is engaged in the business of selling such tangible personal property in this state for use or consumption, such sale is subject to the retail sales tax, regardless of the fact that the purchaser's order may specify that the goods are to be manufactured or procured outside this state and shipped directly from the point of origin to the purchaser. The seller is required to report all such transactions and to collect and remit to this state retail sales tax on all such sales.

If the above conditions are met, it is immaterial (1) that the contract of sale is closed by acceptance outside the state or (2) that the contract is made before the property is brought into the state.

Delivery is held to have taken place in this state (1) when physical possession of the tangible personal property is actually transferred to the buyer within this state, or (2) when the tangible personal property is placed in the mails or on board a carrier at a point outside the state (f. o. b. or otherwise) and directly to the buyer in this state. See rule No. 180.

**55.1 Sales not considered as interstate commerce.** When the contract to sell takes place within the state of Iowa (offer and acceptance) and the seller delivers the goods from a point outside of Iowa directly to the buyer in Iowa, the sale is deemed to be an intrastate sale and the seller's receipts therefrom subject to the retail sales tax, if the sale is at retail and not otherwise exempted.

Adoption of this rule is not considered by the commission as a change in its holding as to such transactions, but merely as a clarification of rule No. 55.

**55.2 Certificate of out-of-state delivery.** Taxpayers making sales of tangible personal property delivered out of state may use the following certificate in lieu of trip sheets. Where the certificate is used it must be made out at the time of the sale and is especially designed for use when delivery is made by truck.

**CERTIFICATE OF OUT-OF-STATE DELIVERY**

**Salescheck:** The salescheck must show quantity, description of articles and price.

The undersigned hereby certifies that he delivered the merchandise described to the out-of-state address shown on the salescheck number set forth below:

SALES CHECK NUMBER .....  
 DATE OF DELIVERY .....  
 NAME OF TRUCK LINE .....  
 DRIVER'S SIGNATURE .....  
 ICC PERMIT NO. ....

I hereby certify that I received the merchandise described on the above salescheck.  
 Date ..... Signed .....

**56 Premiums and gifts.** Persons who give away or donate tangible personal property are deemed to be (for tax purposes) the final users or consumers of such property.

Therefore, the gross receipts from the sale

of tangible personal property to such persons for such purposes are subject to the retail sales tax.

Where tangible personal property is purchased tax-free for the purpose of resale in the regular course of business by a retailer and subsequently given away or donated by the retailer, the retailer shall include in his retail sales tax return under item 1 "a" at his cost price the value of such property.

When a retailer selling tangible personal property at retail in Iowa, the gross receipts from which are subject to the tax, furnishes with said property a premium at the time of the sale, it shall be considered that the premium is sold together with the tangible personal property and that the receipts from the property cover the sale of the premium. In such instances the retailer is considered purchasing the premium for the purpose of resale. However, where the retailer is engaged in selling tangible personal property at retail, the receipts from which are not subject to the tax, but who furnishes a premium with the property sold, the retailer, for tax purposes, is considered as consuming or using the premium furnished. [Amended August 5, 1958]

**56.1 Gift certificates.** Where gift certificates are sold by persons engaged exclusively in selling taxable tangible personal property, services or amusement the tax shall be added at the time the gift certificate is sold. No sales tax will then be added at the time the gift certificate is redeemed by the donee. [Amended August 5, 1958]

**57 Owners or operators of buildings.** Owners and operators of buildings who purchase materials, shelving, janitors' supplies, electric light bulbs and other articles, which are used by them in maintaining the building, are the users or consumers of the personal property so purchased and shall pay retail sales tax to the supplier from whom such articles are purchased.

Where owners or operators of buildings remeter and bill their tenants for electric current, gas or any other taxable service consumed by the tenants, such owners or operators may purchase the electric current, gas or other taxable service tax-free, for resale, in which case the said owners or operators must hold retail sales tax permits and are liable for the tax upon the gross receipts from the sale of such service. Where the building owners or operators purchase all of the electric current, gas, and other services, for resale, and consume a portion thereof in the operation of the building, they shall be liable for the tax on the cost of the electric current or gas purchased for resale and later consumed. That portion consumed by the owner or operator shall be reported under Item 1 "a" on the retail sales tax return.

Where a building sells heat to other buildings or other persons and charges for such service as a sale of heat, then such transac-

tions are taxable at the rate of two percent of the gross receipts from such sales.

Where heat is furnished to tenants as a service to them, incidental to the renting of the space in the same manner as janitor, elevator and cleaning services, then there would be no tax, as heat in that case is not sold as a separate service and is not billed separately. In any case where heat is sold separately and is billed to the tenant separately, then such services are taxable.

Buildings making the sales of heat are required to procure a retail sales tax permit and report and pay the tax quarterly.

**58 Tangible personal property made to order.** Where retailers, such as dry goods merchants or tailors, contract to fabricate items of tangible personal property, such as carpeting, curtains, drapes, tents, awnings, clothing, auto tops and the like, from materials available in stock or through placing orders for materials which have been selected by customers, the total receipts from the sale of such fabricated articles must be included in the gross receipts upon which the sales tax is computed. Such retailers may not deduct labor or service charges of fabrication or production notwithstanding that such charges may be separately billed to customers apart from charges for materials.

These cases should be distinguished from instances where repairmen perform labor or services in repairing or altering items of tangible personal property belonging to their customers, in which event the labor or service charges do not come within the provisions of either the sales or use tax law. To illustrate the tax status of the service charge, assume that a customer purchases a dress or article of ladies wearing apparel, and the title had passed to the customer, any subsequent charges made and segregated for alteration would be exempt from sales tax. [Amended August 10, 1962]

**59 Applies to sales tax only. Operators of vending machines selling merchandise—operators of machines and devices for commercial amusement.**

1. The retail sales tax law was amended to impose a tax, beginning July 1, 1947, of two percent of the gross receipts derived from the operation of all forms of amusement devices and commercial amusement enterprises, such as music boxes, weighing machines, pin-ball machines and other slot operated devices used for commercial amusement purposes. Receipts from the sale of merchandise through vending machines is also subject to a tax of two percent.

2. Frequently persons who own vending machines, vending merchandise by coin operation or otherwise, as well as persons who own coin-operated amusement machines and devices place them on location throughout the state in places of business belonging to and operated by others, giving to the owner of

the place of business a share of the receipts the device takes in for the privilege of operating the machine at that location. These persons are called operators.

3. The operator of machines and devices which are out on location as before described are retailers for the purpose of the retail sales tax law and are required to hold a retail sales tax permit and report the entire gross receipts received from the operation of such machines and devices and remit two percent tax thereon. The operator, who has machines out on locations belonging to others, shall hold one regular retail sales tax permit for his principal place of business, whether same is located in the state of Iowa or outside the state of Iowa, and shall file a quarterly return which will include all gross receipts from all such machines or devices operated by him in Iowa during the quarterly period covered by the return. The return form ST-50 shall be filed by said operator to which shall be attached and made a part thereof form ST-51A, upon which the operator shall list the following information:

a. The total number of units of each type of machine or device operated, together with the total receipts derived from each type.

4. The retail sales tax department will furnish to such type operator a sticker, form ST-103, for each unit operated in the state by the operator and said sticker shall be applied to each unit, reflecting the retail sales tax permit number of the operator, under which permit the sales tax on the receipts from the machine is reported and returned to the state. No device or machine or gadget operated for commercial amusement purposes shall be operated without said sticker ST-103 being attached thereto in a prominent place, indicating the sales tax permit number of the operator thereof.

5. Billiard and pool tables, shooting galleries and other similar undertakings which are ordinarily operated in a regular place of business owned and managed by the operator thereof would not come within the provisions of this rule with respect to holding one permit for the entire state or with respect to filing ST-51A as an addition to the regular retail sales tax return form ST-50. Likewise the provision with reference to the regular sales tax permit and form ST-51A would not apply to devices operating at fairs, circuses and carnivals which are temporarily within the state of Iowa. Concerning the latter see rule No. 15.10.

Any changes or modifications reflected herein from previous rulings of the commission in regard to this subject shall be effective as of January 1, 1951. [Amended August 5, 1958]  
Section 422.42.

**59.1 Inspection fee on weighing scales not a credit against sales tax due.** Section 422.46, Code of Iowa, 1950, 1954, provides that where the state now imposes a special tax concern-

ing the sale of tangible personal property, that the special tax shall be applied as a credit against the retail sales tax due as a result of the sale of such tangible personal property at retail in Iowa.

In 1947 the retail sales tax law was amended by an addition to section 422.43, under the provisions of which a tax of two percent was imposed upon the gross receipts derived from the operation of all forms of amusement devices and commercial amusement enterprises conducted within the state of Iowa and said tax covered all receipts from the operation of weighing machines as well as other items. The department of agriculture collects a three dollar per year fee as an inspection fee for inspecting weighing scales.

It is the commission's holding and ruling that the three dollars per year inspection fee paid on the inspection of such scales is not a credit against the retail sales tax due on the receipts from the operation of weighing scales, as is contemplated in section 422.46.

The 1947 amendment specifically and expressly taxed the receipts from the operation of weighing machines and further section 422.46 affords a credit only where tangible personal property is sold and a special tax is imposed by the state in connection with the sale of such tangible personal property.

**60 Applies to sales tax only. Deposits or prepayments on purchase price.** Where retailers accept from their customers prepayments or deposits representing part of the purchase price of merchandise, the possession of which is not to be delivered to the purchaser until the full amount of the purchase price shall have been paid, the time of the sale is determined by the terms of the sale and the intention of the parties.

If the buyer makes a deposit on the purchase price of specific goods which have been selected in a deliverable state, and the seller appropriates the specific goods for the purpose of future delivery to the buyer, title to the goods passes and the sale is consummated at the time the deposit is made. The prepayment or deposit must be included in the gross receipts on which the seller's tax is computed. If specific goods are neither selected by the buyer nor appropriated to the sale by the seller, title to the goods does not pass until the buyer selects specific goods and such goods are appropriated to the sale by the seller. In the latter case, the sale takes place when possession of the goods is delivered to the buyer. The seller must include in his gross receipts the total amount of the purchase price thereof.

**61 Applies to sales tax only. Auctioneers—public auctions.** Any person [as defined in section 422.42 (1)] who sells at retail through auctions is a retailer under the sales tax law and must hold a sales tax permit. Property sold at retail is taxable regardless of the ownership of such property. Property such as livestock sold for feeding purposes is exempt

as a resale transaction, along with others that can be similarly classified.

Some retail establishments that operate through auctions are sale pavilions, community sales, furniture auctions and the like. [253 Iowa 994; 115 NW 2d 178] [Amended August 10, 1962]

**62 Applies to sales tax only. Transient or itinerant sellers.** Persons not regularly engaged in selling at retail and not having a permanent place of business, but who are temporarily engaged in selling from trucks, portable roadside stands, concessionaires at state, county, district or local fairs, carnivals and the like, shall report and remit the tax on a nonpermit basis.

Transient or itinerant sellers may be required to post a bond if in the judgment of the commission it is deemed necessary and advisable to secure the collection of the tax imposed under Division IV of the sales tax law. A cash bond of not less than one hundred dollars or a surety bond of not less than five hundred dollars issued by a solvent surety company authorized to do business in Iowa, is acceptable. The amount and type of the bond shall be determined by the commission. [Filed August 19, 1954]

**63 Applies to sales tax only. Peddlers and street vendors.** Hawkers, peddlers and street vendors who do not have regularly established places of business are temporary retailers within the meaning of the law, and such persons are required to report and remit sales tax on a nonpermit basis. [Amendment filed August 19, 1954; August 10, 1962]

**64 Repairmen engaged in altering or repairing property belonging to others.** Persons engaged in the business of repairing or altering tangible personal property belonging to others are deemed to be rendering a service, the gross receipts from which are not subject to the retail sales tax. The repairman, however, is deemed to be the final user or consumer (for tax purposes) of all tangible personal property which he purchases for use in the rendition of such service, even though the title to the property used in the repair work is passed on to his customer.

A person who is exclusively engaged in repairing tangible personal property belonging to others need not hold a retail sales tax permit. Therefore, the gross receipts from the sale of tangible personal property to such repairman for such purpose would be subject to the retail sales tax.

If, however, a person engaged in repairing tangible personal property belonging to others is also engaged in selling similar tangible personal property at retail in Iowa, such person must hold a retail sales tax permit. Those repairmen holding a retail sales tax permit, when purchasing tangible personal property, a part of which they will consume in their repair work and a part of which they will sell at retail, will be permitted to purchase all such

property tax-free on the theory of resale by giving to their supplier a certificate of resale showing their sales tax permit number.

The repairman holding a retail sales tax permit should then include under Item 1 "a" of his retail sales tax returns, at his purchase price, the value of the tangible personal property used or consumed by him in his repair work, to which amount should be added his receipts from his sales at retail in Iowa. [Amended August 10, 1962]

**65 Insect or pest exterminators.** Persons engaged in the business of exterminating insects, rodents and other pests, render services, the gross receipts from which are not taxable; however, the gross receipts of persons selling the disinfectants, chemicals and supplies to persons rendering such services, are taxable, except as follows:

If the exterminator is using chemicals or sprays in furnishing insect control to farmers or pest control (but not rodent control) to farmers as a part of agricultural production for market, then that portion so used is exempted from sales tax. [Amended August 10, 1962] [See rule no. 94.1(3)]

Section 422.42 (3)

**65.1 Weed exterminators.** Persons using tangible personal property for the extermination or destruction of weeds are the final users or consumers of tangible personal property used for such destruction. Sales tax should therefore, be charged on the gross receipts from the sale of weed exterminators of every kind and character, except as follows:

If the exterminator is using chemicals or other property in furnishing weed control service to farmers as a part of agricultural production for market, that part of such items are exempt from retail sales tax. [Amended August 10, 1962] [See rule no. 94.1 (3)]

Section 422.42 (3)

**66 Furniture repairers and upholsterers.** Persons engaged in repairing or reupholstering furniture belonging to others are deemed to be engaged in rendering service, the receipts from which are not subject to the sales tax. On the other hand, such repairmen are deemed to be the final users or consumers of all tangible personal property which they purchase for use in the rendition of such service. Being the final consumer, they should pay the sales tax to their Iowa suppliers when such materials are purchased in Iowa and should report the use tax directly to this commission when such materials are purchased from out-of-state sources, unless the out-of-state supplier is registered with the use tax department and authorized to collect the use tax for the state, in which last instance the use tax should be paid to the registered supplier.

Persons who are exclusively engaged in repairing or reupholstering furniture belonging to others need not hold a retail sales tax permit, inasmuch as they do not collect any sales

tax from their customers, but should anticipate that the tax is increasing their cost of material two percent when preparing the charge.

However, if the furniture repairman or upholsterer is also engaged in selling tangible personal property at retail in Iowa, then such persons shall procure a retail sales tax permit and report and remit two percent of their gross receipts from retail sales directly to the commission.

The person who repairs or upholsters furniture for the purpose of selling such furniture at retail is making sales at retail, the receipts from which are subject to sales tax.

**67 Watch, clock and jewelry repair.** Watch, clock and jewelry repairmen are consumers of watch, clock and jewelry repair parts and materials such as crystals, winds, and chain links used in repairing watches, clocks and jewelry. They are, however, retailers of wrist watch straps, metal bands, watches, clocks, chains and other tangible personal property which they sell to customers in the regular course of business. [Amended August 10, 1962]

**68 Furriers and fur repairers.** Persons engaged in altering, remodeling, and repairing cloth, fur or other garments belonging to others are deemed to be engaged in rendering a service, the receipts from which are not subject to the retail sales tax.

Such repairman is deemed to be the final user or consumer of all tangible personal property which he purchases for use in completing such services.

Therefore, persons selling to such repairmen tangible personal property for such purposes are making sales at retail, the receipts from which are subject to the retail sales tax.

However, if the repairman, in addition to rendering such services, is also engaged in selling tangible personal property at retail, such repairman is required to hold a retail sales tax permit and remit to the commission two percent of his gross receipts from such sales.

**69 Shoe repairers.** Persons engaged in the business of repairing shoes render a service. They are purchasers for use or consumption of tangible personal property (except taps and rubber heels) used by them incidentally in the rendering of such service. Consequently, sales of leather, including strips, bends and other findings to shoe repairers for use in connection with the rendering of such service, are sales at retail and are taxable.

Taps and rubber heels are purchased by shoe repairers for resale and the gross receipts from sales by them at retail of such articles are subject to the sales tax notwithstanding the fact that such taps or rubber heels are attached to the shoes of their customers.

Taps are defined as leather or composition half soles which previous to the time of purchase by the shoe repairer have been cut to half sole shape and do not include strips, bends, or other sole materials which may, sub-

sequent to purchase, be cut and used for sole purposes.

Furthermore, the sale by shoe repairers of all tangible personal property not directly used in connection with their repair services, but sold for use or consumption, represents taxable sales at retail. Therefore, shoe repairers are retailers of taps, rubber heels, shoes, polishes, laces and other such property.

Gross receipts, for the purpose of this rule, on items other than those identified in the preceding paragraph will be considered as being an amount equal to the cost of such other items plus a markup of forty percent. Items so identified may be purchased tax free from the suppliers with the repairers including the gross receipts from the sale of same in their sales tax returns. [Amended August 10, 1962] [See 225 Iowa 103]

**70 Harness and mattress repairers.** Persons engaged in repairing harness or mattresses belonging to others are rendering a service, the receipts from which are not subject to the retail sales tax. Persons solely engaged in such repair services are not required to hold a retail sales tax permit, inasmuch as they do not collect any sales tax from their customers.

On the other hand, such repairmen are deemed to be the final users or consumers of the tangible personal property which they purchase for use in the rendition of such services.

Therefore, persons selling to such repairmen tangible personal property for their use in such services are making sales at retail, the receipts from which are subject to the retail sales tax.

However, if the repairman, in addition to rendering such services, is also engaged in selling tangible personal property at retail, such repairman is required to hold a retail sales tax permit and remit to the commission two percent of his receipts from such sales.

**71 Applies to sales tax only. Bookbinders, paper cutters, etc.** Persons engaged in the business of binding books, magazines or other printed matter belonging to other persons are deemed to render services, receipts from which do not come within the purview of the sales tax law. Sales of cloth, leather, cardboard, glue, thread or other such items of tangible personal property, to bookbinders for use in performing such services are sales at retail, and the sellers must collect and remit the tax on such sales.

Where a bookbinder binds his own books, magazines or printed matter and sells the finished products to users or consumers, or makes and sells at retail loose-leaf or detachable binders, he must collect and remit tax with respect to the entire receipts from such sale.

Persons engaging in the business of paper-cutting, folding, gathering, padding, or punching circulars, office forms or other printed



matter belonging to other persons, are deemed to be rendering services, and do not come within the provisions of the law. Sales of tangible personal property to such persons for use or consumption in the performance of these services constitute sales at retail and are taxable.

**72 Printers, mimeographers and multi-graphers.** Printers, mimeographers, multi-graphers and the like, are engaged in the business of processing personal property, and their sales of printed or mimeographed matter, such as books, letterheads, bills, envelopes, advertising circulars and the like to purchasers who either use or consume them, lease them, or distribute them free of charge, but do not sell them, are sales at retail, the receipts from which are taxable.

Such persons may not deduct from the selling price of such property the charges for labor or service rendered in its production, even though the same may be billed to the customer separate from the charge for the stock, except where a charge for addressing, folding, inclosing and sealing is billed separately to the customer.

On commercial printing involving use of U. S. postal cards or stamped envelopes purchased by the printer, etc., the tax must be collected on the basis of the selling price of the job, less the amount of postage involved.

No tax arises from the service of typesetting performed by a printer, where title to the metal does not pass to the consumer.

See rule No. 25.7 for electrotypes, type, zinc etchings, half-tones, stereotype, color process plates and wood mounts.

**73 Abstracts and law briefs.** Persons engaged in the business of furnishing abstracts of title are rendering a service to their customers and their gross receipts from this source are not taxable. Likewise, the gross receipts from the furnishing of, or sale of, law briefs, whether typewritten or printed, are considered sales of service and not subject to the tax.

The sale of paper or other materials used in the making up of title abstracts or law briefs to abstract companies or those furnishing law briefs, are sales to purchasers for use or consumption, and the sellers of such paper or supplies are liable for the tax upon their gross receipts from such sales.

This rule applies only to abstracts of title, abstracts of record and briefs ordered specially prepared for some certain person. It does not apply to the sale of printed briefs or commercial sales of printed matter, whether by subscription, sale or contract. Such sales are taxable.

**74 Tennis racket restringing and repairing.** Persons engaged in repairing and restringing tennis rackets are retailers of the strings and other tangible personal property furnished, and tax applies to the retail selling price there-

of. If a lump sum charge is made for materials and labor, fifty percent thereof is regarded as the retail selling price of the materials furnished. [Amended August 10, 1962]

**75 Clay pigeons.** Gun clubs furnishing clay pigeons to their members are regarded as performing a service even though the charges for the services are based on the number of clay pigeons furnished. Consequently, the receipts from the sale of the clay pigeons to the clubs are taxable.

Where a gun club or other person furnishes the service or facilities for trap or skeet shooting to the general public or to persons not members of a regularly organized and established club, the furnishing of such facilities shall be deemed to be operating an amusement device, the gross receipts from which are taxable under the provisions of the retail sales tax law.

Where a gun club makes retail sales to their members or other consumers, tax is imposed on the gross receipts. [Amended August 10, 1963]

**76 Advertising service.** Charges for advertising in newspapers, magazines or other publications are not taxable. Likewise, charges made by advertising agencies for preparing and placing such advertising are charges for services and are not taxable.

The tax applies, however, to gross receipts from sales of tangible personal property to advertisers or advertising agencies for use or consumption in preparing advertising, such as paper, ink, paint, tools, office supplies and art work purchased from independent artists, engravers, charges for making metal plates, electrotypers' charges for making electrotypes or matrices and printers' charges for production of pamphlets, booklets, brochures and other printed materials.

Advertising agents engaged in producing drawings for advertising purposes are regarded as the consumers of the materials used in the performance of such services where the title remains with the agency. Sales to them are retail sales, subject to the tax. Charges made by such advertising agents are not taxable. [249 Iowa 1207]

This rule applies to advertising agencies who solicit newspapers, magazines and other periodicals. [Amended August 10, 1963]

**77 Newspapers, magazines, trade journals, etc.** Publishers of newspapers are deemed to be rendering a service to their subscribers and the gross receipts from the sale of newspapers to the public are therefore not taxable. The sales of magazines, trade journals, and other periodicals when sold to consumers or users are sales at retail and the gross receipts from such sales are taxable.

Advertising which appears in newspapers, magazines, trade journals, and other periodicals, is not subject to sales tax. Where trade publications, advertising pamphlets or circulars, and the like are distributed free by the publisher, the publisher is liable for sales



tax on the cost of the distributed material. [Amended August 10, 1962] [See rule no. 134] Section 422.42 (3)

**78 Tire repairing and vulcanizing.** Persons engaged in the business of repairing or vulcanizing tires and tubes belonging to others render services, the receipts from which are not subject to the retail sales tax. However, such persons are deemed to be (for tax purposes) the final users or consumers of all tangible personal property which they purchase for use in the rendition of such services. Such persons who are exclusively engaged in rendering such services are not required to hold a retail sales tax permit, inasmuch as they do not collect any sales tax, as such, from their customers.

Therefore, persons selling tangible personal property to such repairmen for use in rendering such services are making sales at retail, the receipts from which are subject to the retail sales tax.

If, however, the repairman in addition to rendering such services, also sells tangible personal property at retail in Iowa, then he must hold a retail sales tax permit and remit to the commission.

**79 Retreading and recapping tires.** Persons engaged in the business of retreading or recapping tires belonging to others are rendering services, the receipts from which are not subject to the retail sales tax. Such repairmen are deemed to be the final users or consumers of all tangible personal property which they purchase for use in rendering such services.

Therefore, persons selling tangible personal property to such repairmen for use in the rendition of such services are making sales at retail, the receipts from which are subject to the sales tax. Tax applies to the sale of retreaded or recapped tires which sale price includes any amount allowed for the customer's old tires or other merchandise traded-in. [Amended August 10, 1962]

**79.1 Tire mileage contracts.** Some tire companies pursuant to a "tire mileage contract" agree to furnish satisfactory tire equipment to their customers at a stipulated amount per mile of motor vehicle operation, the tire companies retaining title to the tires and possessing authority to remove tires and replace them with new or used ones, to move tires from wheel to wheel and to remove tires for inspection or repair. The receipts from such transactions in Iowa are subject to retail sales tax.

**80 Rewinding motors.** Persons engaged in the business of rewinding motors or transformers belonging to others are deemed to be engaged in rendering a service, the receipts from which are not subject to the retail sales tax. However, the repairman is deemed to be (for tax purposes) the final user or consumer of all tangible personal property which

he purchases for use in the rendition of such services.

A person who is exclusively engaged in such repair service is not required to hold a retail sales tax permit.

However, if such person, in addition to rendering such service, is also engaged in selling tangible personal property at retail in Iowa, then such person should hold a retail sales tax permit and report to the commission two percent of his receipts derived from such retail sales in Iowa.

**81 Automobile washing and chassis lubrication.** Automobile washing and greasing jobs are considered services, the receipts from which are not subject to sales tax.

Grease, lubricants, or other articles consumed incidentally in rendering such services are purchased for final consumption and are subject to the tax as retail sales.

Where grease, lubricants or other articles are sold separate and apart from chassis lubrication, and in cases where the customer is billed separately for greases or lubricants not included in the lump sum price of chassis lubrication, the tax applies upon the gross receipts from such sales.

**82 Laundries, dry cleaners, rug cleaners, etc.** Persons engaged in the operation of laundries, dry cleaning establishments, rug cleaning establishments and like services, render services, the receipts of which are not subject to the retail sales tax.

On the other hand, such groups are deemed to be (for tax purposes) the final users or consumers of all tangible personal property which they purchase for use in the rendition of such services.

Therefore, persons selling tangible personal property to such groups are making sales at retail, the receipts from which are subject to the retail sales tax.

**83 Blacksmith and machine shops and similar activities.** Blacksmiths and machine shop operators are generally engaged in repairing tangible personal property belonging to others with the receipts for their work, as such, exempt from sales tax as a service. All personal property acquired by such operators for this "service" is subject to sales or use tax.

When a blacksmith or machine shop operator also fabricates finished articles from raw materials and sells such articles at retail, sales tax applies on the total charge, which includes the fabrication labor. A sales tax permit must be held for selling at retail with tax remitted on the sales plus any items consumed in service work, which were purchased tax exempt because of their dual use by such blacksmiths and machine shop operators. [Amended August 5, 1958]

**84 Automobile refinishers and painters.** Tax does not apply to charges for repainting or refinishing used articles. Tax, however, does apply on sales to the refinisher of paint and

other materials used in his service work. [Amended August 5, 1958; August 10, 1962]

**85 Painters and paperhangers.** Painters, paperhangers, refinishers, floor waxers, wall-paper cleaners, interior decorators and those people rendering renovation services, are primarily rendering a service not covered by the Act, and receipts from their charges are not taxable. Sales of wallpaper, paint, varnish, waxes, polishes, cleaning fluids, and materials used by these persons in the performance of rendering their services constitute sales to these persons for use or consumption, the gross receipts from which are taxable.

Painters and paperhangers engaged in making retail sales are required to hold a sales tax permit with the gross receipts from their sales subject to tax. [Amended August 10, 1962]

Section 422.53

**86 Signs and sign painters.** Persons engaged in the business of painting signs on billboards, buildings or other property belonging to others render service which is not taxable. Sales of paint, brushes, and other tangible personal property to sign painters for use by them are sales at retail, subject to the tax.

Where a sign painter paints a sign on his own personal property and sells the finished product, he makes a sale at retail which is subject to the sales tax without any deduction for cost of materials or labor.

**86.1 The tax liability of artists fulfilling orders and the preparation of commercial drawings, sketches and paintings on special order for commercial use.** Where retailers or commercial houses place special orders with artists for use in making cuts or other advertising matter, the artists are rendering services and not making sales at retail in the preparation of such drawings.

This rule is strictly limited to artists' work hereinbefore described and does not include signs, sign paintings, placards and other paintings made and offered for sale in the usual course of retail business or other painting and art work. [Amended August 10, 1962]

Section 422.42 (5)

**87 Sales of signs at retail.** Persons engaged in selling to users or consumers illuminated signs, bulletins or other stationary signs, whether manufactured by themselves or by others, are selling tangible personal property at retail, the receipts from which are taxable, even where the purchase price of the sign includes a charge for maintenance or repair service in addition to the charge for the sign.

Charges for services rendered subsequent to the sale of a sign, which are billed separately, are not taxable, but all tangible personal property used in making such repairs is taxable.

**88 Motor vehicle repair shops and garages.** The gross receipts from sales of tangible personal property to purchasers for use, either

separately or in connection with motor vehicle repair work, such as automobile parts, accessories, tires, batteries, oils, and like articles, are taxable. Where the parts or accessories are used in a repair job, and are billed to the customer separate and apart from the charge for labor or services, the tax will be computed on the retail selling price of the property so used, provided the repairman keeps books so as to show separate charges for personal property sold and for labor or services performed.

Personal property so billed and taxed to the customer may be purchased tax-free by the repairman, if he is holder of a retail sales tax permit.

**89 Oculists, ophthalmologists, optometrists and opticians.** Oculists, ophthalmologists, optometrists and opticians render professional services with their receipts exempt from sales tax. They are, however, the consumers of ophthalmic materials including eyeglasses, contact lenses, frames and lenses used or furnished in the performance of this service work. Tax, therefore, applies on all items acquired for this work.

If oculists, ophthalmologists, optometrists or opticians sell tangible personal property in addition to rendering their professional services, they must hold a retail sales tax permit and report all sales tax due from their retail sales. [Amended August 10, 1962]

Section 422.42 (5)

**90 Physicians and surgeons.** Physicians and surgeons generally render professional services and the receipts for such services are not subject to retail sales tax. Any tangible personal property acquired by physicians or surgeons for furnishing professional services to their patients is subject to either sales or use tax, depending upon whether acquisition of the property was from Iowa retailers or out-of-state suppliers.

There are numerous instances whereby physicians and surgeons aside from rendering professional services as provided above, dispense drugs, medicines, and other items to their patients and others. Transactions of this kind classify the dispensers (the physicians and surgeons) as "retailers" under the sales tax law and subject their sales (drugs and medicines or other items) to sales tax. A sales tax permit must be held for the reporting of the tax on the respective sales.

Where the physicians or surgeons consume the same type of personal property that they also sell at retail, all such property may be purchased tax exempt with tax reported on the consumed portion under item 1 "a" of the quarterly tax report. [Amended August 10, 1962]

Section 422.42 (5)

**91 Hospitals, infirmaries and sanatoriums.** Hospitals, infirmaries, sanatoriums and like institutions are engaged primarily in the business of rendering services. They are not liable

for sales tax with respect to their gross receipts from meals, bandages, dressings, X-ray, photographs, or other tangible personal property, where such items of tangible personal property are used in the rendering of hospital service. This is true, irrespective of whether or not such tangible items are billed separately to their patients. Hospitals, infirmaries and sanatoriums are deemed to be the purchasers for use or consumption of such tangible personal property that is used in furnishing services. Sales tax should, therefore, be remitted to the Iowa retailers on that property when acquired, with use tax the proper medium with out-of-state suppliers.

There are numerous instances whereby hospitals, infirmaries, sanatoriums and like institutions dispense drugs and medicines to their patients and others. Transactions of this kind classify the dispensers (hospitals, infirmaries, sanatoriums and like institutions) as "retailers" under the sales tax law and subject their sales (drugs, and medicines) to sales tax. A sales tax permit must be held for the reporting of the tax on the respective sales.

Where the hospitals, infirmaries, sanatoriums and like institutions consume the same type of personal property that they also sell at retail, all such property may be purchased tax exempt with tax reported on the consumed portion under Item 1 "a" of the quarterly tax report. [Amended August 10, 1962]

#### Section 422.42 (5)

**91.1 Hospitals operating nurses training schools.** Hospitals are normally the persons who conduct nurses training schools for the training of student nurses entering the nursing profession.

Where hospitals purchase tangible personal property, the title to which is passed on to the student nurses in consideration of the nurses' services rendered to the hospital in connection with the training course, no tax would be due to the supplier selling to the hospital such items and the hospital would owe no tax as a result of this transfer from the hospital to the student nurse under the provisions of subsection 4 of section 422.45, Code of Iowa, 1950, which is a part of the retail sales tax law.

Likewise the hospital would owe no use tax when purchasing tangible personal property for the purpose of transfer to the student nurses.

Items such as nurses' uniforms, the title to which passes to the student nurses, food which is served to the student nurses in the form of meals, as well as books, the title to which passes to the nurses, would not be subject to tax. However, reference books and other items of tangible personal property, the title to which remains in the hospital, but which the student nurses are permitted to use, would not be exempt from either sales or use tax.

**92 Veterinarians.** Purchases of drugs, medicines, bandages, dressings, serums, tonics, and

the like, which are used in treating livestock raised as a part of agricultural production are exempt from sales tax. Where these same items are used in the treating of animals maintained as pets for hobby purposes, sales tax is due as the statutory exemption is not met.

If veterinarians engage in retail sales in addition to furnishing professional services, they must account for sales tax on the gross receipts from such sales. [Amended August 10, 1962]

#### Section 422.42 (3)

**93 Barber and beauty shops.** Barbers and beauty shop operators primarily render personal services, not subject to the sales tax. Cosmetics, tonics, lotions, shaving soaps and other materials used or consumed in rendering such services are purchased for use or consumption, and the sellers thereof must collect and remit the tax thereon, as well as upon sales to them of tools, and equipment used or consumed by them. Use tax is likewise due where merchandise, tools and equipment are acquired outside of Iowa. [Amended August 10, 1962]

**94 Sales by farmers.** Sales of grain, livestock, or any other farm, garden, or horticultural products by the producer thereof, ordinarily constitute sales for resale or for processing and as such are not subject to the tax.

Where farmers sell eggs, poultry, fruit, vegetables, dairy products to ultimate consumers or users, they must hold a sales tax permit and report sales tax on the gross receipts from their sales. [Amended August 10, 1962]

#### Section 422.42 (5)

**94.1 Sales to farmers and others. (Exemption of Certain Products Related to Agricultural Production)**

1. Feeds sold for use in feeding livestock or poultry for market and, effective December 27, 1956, antibiotics administered as an additive to feed or drinking water for livestock or poultry produced for market are not subject to the sales or use tax.

2. If purchased on or after July 4, 1957, materials, excluding tools and equipment, to be used in disease control, weed control, insect control or health promotion of plants or livestock produced as a part of agricultural production for market and tangible personal property consumed in implements of husbandry engaged in agricultural production are exempted from the sales tax. Such items continue to be subject to the use tax. The term "tangible personal property consumed in implements of husbandry", as used above, is construed to include only motor vehicle fuel used in farm tractors or used in operating farm equipment drawn or propelled by farm tractors engaged in agricultural production.

3. Sales of control materials, but not tools or equipment, to persons engaged in the business of exterminating insects or weeds, but not rodents, when used as a part of agricultural production for market are exempted

from sales tax the same as sales made directly to farmers for the same purposes.

4. Sales of health promotion materials, but not tools or equipment, to persons engaged in health promotion of plants or livestock, when used as a part of agricultural production for market are exempted from sales tax the same as sales made directly to farmers for the same purposes. [Filed August 5, 1958]

**95 Filling stations, sales of gasoline and other petroleum products.**

A "person" who operates a filling station is making retail sales of tangible personal property and is also consuming other personal property in rendering services to his customers. Many filling stations sell spark plugs, radiator caps, batteries, tires, motor oil, transmission and differential greases, beverages, tobacco products, etc., at retail and sales tax is applicable on the respective gross receipts.

All items consumed by the filling station operators in rendering services to their customers are subject to either sales or use tax when acquired. Some of the items in this group are sponges, soap, chamois, polish, wax, tire patches, chassis lubricants, water, tools, service equipment and any other commodities essential to service work.

Sales tax does not apply on gasoline sold by a filling station as a credit provision is contained in section 422.46 of the sales tax law for the special tax imposed by the state. [Amended August 5, 1958]

**95.1 Filling of tractor tires with calcium chloride.** The sale of calcium chloride for filling tractor tires is taxable. Where segregation is made as to the labor of installing calcium chloride within the tractor tires, no sales tax is due on the labor charge. If segregation is not made, sales tax is due on the total charge. [Amended August 10, 1962]

Section 422.42 (6)

**96 Florists and nurserymen.** Florists and nurserymen selling flowers, plants, trees, shrubs, grass and seeds at retail are liable for tax on their gross sales, notwithstanding the fact that such merchandise shall have been produced by the seller. This rule applies regardless of whether such articles are sold from a store, a curb, a market, a greenhouse, a farm, or any other place.

Florists are engaged in the business of selling tangible personal property at retail and are liable for payment of the sales tax, measured by receipts from sales of flowers, wreaths, bouquets, potted plants, and other items of tangible personal property.

Where a nurseryman or florist sells shrubbery, young trees and similar items, and as a part of the transaction transplants them in the land of the purchaser for a lump sum or flat rate, the transaction is considered a construction contract with the nurseryman or florist the consumer of all personal property expended. [Amendment filed August 19, 1954]

Where florists conduct transactions through

a florists' telegraphic delivery association, the following rules will apply in the computation of tax liability:

1. On all orders taken by an Iowa florist and telegraphed to a second florist in Iowa for delivery in the state, the sending florist will be held liable for tax measured by two percent of his receipts from the total amount collected from the customer, except cost of telegram where separate charge is made therefor.

2. In cases where an Iowa florist receives an order pursuant to which he gives telegraphic instructions to a second florist located outside Iowa for delivery of flowers to a point outside Iowa, tax will likewise be owing with respect to the total receipts of the sending florist from the customer who placed the order.

3. In cases where Iowa florists receive telegraphic instructions from other florists located either within or outside of Iowa for the delivery of flowers, the receiving florist will not be held liable for tax with respect to any receipts which he may realize from the transaction. In this instance, if the order originated in Iowa the tax will be due from, and payable by, the Iowa florist who first received the order and gave telegraphic instructions to the second florist.

Fuel used by greenhouses and others for the purpose of growing of plants is not deemed to be processing and is, therefore, not exempted from the retail sales tax. Again this holding of the commission is based on the case of *Kennedy v. Iowa Board of Assessment and Review*, 224 Iowa 405, said case holding that the growing of plants is not a processing activity.

**96.1 Sod and dirt.** The sale of sod and dirt by a person engaged in such business is taxable in the same manner as the sale of other tangible personal property. Where a person selling sod contracts to sod a given area for a fixed or lump sum fee, then such contractor shall be governed by the rules relating to lump sum contractors performing contracts for the improvement of real property. Persons selling sod or dirt at retail are required to procure a retail sales tax permit. [Amended August 10, 1962] [253 Iowa 994]

**97 Hatcheries.** When egg-type cockerel chicks, broiler chicks and turkey poults are sold for consumption, sales tax applies on the gross receipts from such sales.

Where pullets and poults are sold for production purposes, the receipts from such sales are exempt from sales tax. This exemption also applies to hatcheries where they hatch pullet chicks and then raise them until sixteen to twenty weeks of age when they are sold as started pullets.

Services furnished by hatcheries which are exempt from sales tax include the custom hatching of eggs and the custom brooding of chicks. [Amended August 10, 1962]

Section 422.42 (3)

**98 Seeds, plants, bulbs and like property.** Seeds, roots, plants, bulbs, shrubbery and like property may be sold tax-free by retailers when such sales are made to one engaged in the business of operating a nursery or a commercial garden. Where a sale is made to a final consumer, it is taxable. The tax liability depends upon the use to which the seeds and other items are to be put, and not on the kind or variety of the same.

This rule applies also to seeds, roots, plants, bulbs, and like personal property purchased by farmers engaged in regular agriculture, in other words, all seeds purchased by farmers for commercial planting are exempt from the retail tax.

**98.1 Materials used for seed inoculations.** All forms of inoculations, whether for promotion of better growth and healthier plants or for prevention or cure of mildew of plants, or disease of seeds and bulbs, are intended for the same general purpose; therefore, no retail sales tax is imposed on any material used for inoculation or for any of the purposes above-mentioned.

**98.2 Plant hormones.** The gross receipts from the sale of plant hormones are exempted from the retail sales tax.

See rule No. 25.4, commercial fertilizer.

**99 Dairy products sold by co-operatives to members or patrons.** No sales tax exemption shall be allowed on gross receipts from the sale of dairy products to customers or patrons of creameries. Gross receipts from stockholders or members of co-operative creameries or creamery associations, resulting from the exchange of butter or other dairy products for cream supplied by said stockholders or members shall be included in the receipts on which retail sales tax is computed. Gross receipts from the sale or exchange of buttermilk for feeding livestock intended for sale are not taxable.

**100 Rural electrification associations.** Rural electrical co-operative associations are required to collect and remit the sales tax on sales of electric energy to domestic, commercial, or industrial consumers. They should execute resale certificates to the companies from whom they purchase electric current for resale and obtain certificates from consumers to whom they sell for processing.

Associations are required to collect and remit the sales tax on all sales by them of appliances to users or consumers and to pay the retail sales tax on the purchase of all supplies and equipment which they do not sell, except as otherwise provided in these rules.

**101 Sales of fertilizers.** The word "fertilizer" means a commodity containing one or more substances to increase the available plant food content of the soil and as a result becomes a part of the products grown therein for the purpose of producing for sale or aid-

ing in such production for sale. Sales of commercial fertilizers are not subject to the tax.

See ruling of attorney general of March 28, 1945.

**102 Sales of livestock and poultry feeds.** Sales of feed for poultry or livestock are not taxable. Vitamins and minerals are considered and defined by the dictionary as a food or a food supplement. Antibiotics when to be administered as an additive to feed or drinking water and vitamins and minerals sold for livestock and poultry are exempted from the sales tax. Vitamins sold for human consumption are not exempted. [Amended August 5, 1958]

(See Rule No. 94.1(1)—Sales to Farmers)

**102.1 Sales of pet and bird feeds.** Sales of pet and bird feeds for dogs, cats and other pets are not exempt from the retail sales tax except where such animals are raised for sale by a person regularly engaged in raising dogs and pets and who has at the time the exemption is claimed, procured a retail sales tax permit for the sale of such pets.

**102.2 Sales of bedding and litter.** The sale of bedding and poultry litter, except straw, is not exempted from the retail sales tax. Straw, because of its dual purpose, shall be construed as feed and governed by the provisions of rule No. 102.

**102.3 Sales of pets.** The sale of dogs, cats, birds and the like sold as pets are subject to sales tax. The retailer who sells such pets must procure a sales tax permit and report all sales tax on the gross receipts therefrom.

The sale of horses is subject to sales tax. The term "horse" is here used in its generic sense and includes all variations of equestrian quadruped whether a pony, mule, gelding, stallion, mare, filly, jackass, or ass, regardless of the purpose for which the sale is made, except that sales made to a bonafide dealer for the purpose of resale are nontaxable. Any dealer making retail sales of "horses," as herein used, must procure a sales tax permit and report all sales and remit the sales tax on the gross receipts therefrom.

A "dealer" may be defined as one who engages in the purchase and sale, or sale, of horses as defined herein, or one who is required to be registered as a dealer under the federal packers and stockyard Act as amended.

There is further excluded from the purview of this rule, the sale of any "horse" for the purpose of "processing" as defined by section 422.42 (3), Code of Iowa, 1962.

Proof of sale for processing may be had by production of a slaughter affidavit issued on forms provided by and under authority of the state secretary of agriculture in pursuance of his duties under the law. [Filed August 10, 1962; amended November 30, 1964]

This rule is intended to implement section 422.43, Code of Iowa, 1962. (This rule was not

approved by the Department Rules Review Committee)

**103 Meal tickets, coupon books and merchandise cards.** Where meal tickets, coupon books or merchandise cards are sold by persons engaged exclusively in selling taxable commodities or services, the tax shall be levied at the time the meal ticket, coupon books or merchandise cards are sold to the customers. No tax will then be added at the time of actual purchase of merchandise or services. For example, a person purchasing a meal ticket entitling him to \$5.50 worth of meals, and paying \$5.00 therefor, will pay ten cents tax at the time he purchases the ticket. For each meal subsequently consumed, the restaurant, cafe, cafeteria, etc., will punch out of the card the net price of the meal exclusive of the tax.

**104 Hotels, lodging and boarding houses.** The gross receipts of hotels and lodging houses from charges for rooms and other hotel service are not taxable. Where a hotel or lodging house provides both rooms and meals to the public, the tax shall apply to the entire charge, except that if the charge for meals and drinks is segregated, the tax will apply only to the receipts from their sale.

Sales to hotels or lodging houses of food supplies which become component parts of taxable meals served by them are not subject to the tax.

Where hotels, lodging and rooming houses operate amusements or amusement devices or coin operated machines, the gross receipts therefrom shall be included in the gross receipts from sales on which the tax is computed. [Amendment filed August 19, 1954]

**105 Railway dining cars.** The sale of meals or other tangible personal property on railway trains and dining cars being operated in or through the state of Iowa, constitutes sales at retail, the gross receipts from which are taxable, provided such meals or other tangible personal property are ordered within the boundaries of the state. It is immaterial whether or not such meals or other property be consumed within the state.

Where beer, cigarettes, cigarette papers or other articles of tangible personal property which have been purchased in a state other than Iowa for resale in dining cars, such articles of tangible personal property are to be included in the gross receipts on which sales tax is computed. [Amended November 30, 1964]

**105.1** Applies to sales tax only. **Sales on trains.** Persons selling tangible personal property on trains other than in railway dining cars are making retail sales within the meaning of the law and are required to procure a retail sales tax permit. [Amendment filed August 19, 1954]

**106 Student fraternities and sororities.** Student fraternities and sororities are not con-

sidered to be engaged in the business of selling tangible personal property at retail within the meaning of the sales tax Act, when they provide their members with meals and lodging, for which a flat rate or lump sum is charged. Sellers of foods, beverages and other tangible personal property to such organizations for use in the preparation of meals are, in such instances, making sales at retail and will be held liable for the tax.

However, where student fraternities or sororities engage in the business of serving meals to persons other than members, for which separate charges are made, or where they operate canteens through which tangible personal property is sold at retail, as to such sales they become liable for the tax.

Where student fraternities or sororities do not provide their own meals but these are provided by caterers, concessionaires or other persons, such caterers, concessionaires or other persons will be held liable for the tax with respect to their receipts from meals so furnished. A similar liability attaches to persons engaged in the business of operating boarding houses, whether for students or other persons.

**107** Applies to sales tax only. **Truckers engaged in retail business.** Truckers or haulers who sell tangible personal property to ultimate users or consumers, such as feed, ice, building supplies and other items, are taxable on the gross receipts from such sales. It is immaterial whether sales are few and infrequently made, the fact that the trucker makes sales is evidence that he is engaged in retail business in direct competition with established merchants. Therefore, when truckers make sales to ultimate users or consumers, they must collect and remit the tax to this commission. (Coal truckers, see rule No. 109; foreign truckers, see rule No. 110.)

**108 Delivery charges on purchase of coal, fuel and other merchandise by retailers.** The transportation or delivery charges from any source of supply, such as a mine or other points, to a retailer's place of business, are not a basis for a deduction from gross receipts when such tangible personal property is subsequently sold at retail.

**108.1 Delivery charges on sale of coal, fuel and other merchandise.** [Rescinded August 10, 1962; see rule 41]

**109** Applies to sales tax only. **Iowa mine operators selling to coal truckers and haulers.** Operators of mines in Iowa are deemed retailers of coal and subject to the collection and remittance of the sales tax in the following cases:

1. On all sales or deliveries to truckers and haulers who do not have an established place of business.

2. Where a trucker or hauler procures coal at the mine for delivery to one by whom he is employed to procure and deliver the coal.

It is immaterial in either case whether the mine operator received payment for the coal from the user or consumer or from the trucker or hauler, as he is deemed to be a retailer of tangible personal property for use or consumption. For nonresident truckers, see rule No. 110.

Section 422.42.

**110 Applies to sales tax only. Foreign truckers selling at retail in Iowa.** Foreign truckers or persons engaged in selling tangible personal property at retail in Iowa by means of hauling said property into the state with motor vehicles bearing foreign license plates, are required to report and remit sales tax on a nonpermit basis. If, in the judgment of the commission, it is deemed necessary and advisable in order to secure the collection of this tax, the seller shall be required to post either a cash bond of not less than one hundred dollars, or a surety bond of not less than five hundred dollars, issued by a solvent surety company authorized to do business in Iowa. The type of the bond to be determined by the commission. [Filed August 19, 1954]

**111 Applies to sales tax only. Admissions tax.** The tax is imposed upon the gross receipts from the sale of admissions, by ticket or otherwise (whether by single ticket or by season or subscription tickets) to places at which amusement, entertainment, or recreation is provided. The term admission does not include regular dues paid which entitle one to usual club or similar organization privileges even though one of the privileges is the right to participate. But where the chief or sole privilege of a so-called membership is a right to admission to certain particular performances or to some place for a definite number of occasions, the amount paid for such membership is taxable. The liability for collection and payment of the tax rests upon the one who charges and collects for the admissions. Where theaters or other places of public amusement operate cigar stores, soda fountains, candy stores, and such concessions selling tangible personal property, they incur liability and must hold retail sales tax permits and collect and remit the tax. Complimentary tickets shall be taxable on the regular admission charge of a ticket for a like seat.

The charge for booth reservations is in the nature of an admission to the particular booth in the same manner that a reserved seat is a special admission to a particular place in a circus, theater or like place of amusement. For the reason stated, retail sales tax must be computed on the gross receipts for admission to places of amusement including the amount collected for booth reservation.

The operation of a checkroom is a service. It is in no manner an admission to any amusement or athletic event. Therefore, the gross receipts from the operation of coat or hat checkrooms should not be included in the gross receipts on which retail sales tax is computed.

Membership fees should not be included in the gross receipts on which the amusement tax is computed, where the organization is a legitimate one and membership fees are bona fide. However, on purely commercial golf courses or like amusements where the membership fee is nothing more or less than a season ticket, then the receipts from the so-called membership fees shall be included in the gross on which tax is computed.

**111.1 Amusements.** The gross receipts from amusements of every kind and character operated for profit, and the gross receipts from games of every kind and character operated for profit or gain are taxable under the provisions of [section 422.43] chapter 226, Acts of the Fifty-second General Assembly.

The tax applies to both legal and illegal amusements. The collection of tax or the issuance of a retail sales tax permit shall not be construed to condone or legalize any games of skill or chance or slot-operated devices prohibited by law. The amusement tax is not a privilege tax but is a tax on the gross receipts from amusements computed after the gross receipts shall have been received.

Gross receipts mean and include all money taken in by the operator of any amusement, game or device operated for profit in the state of Iowa; whether received in money, trade, barter or donations.

The gross receipts from spindles of numbers and glass jar numbers or "tips" and other like games include the total amount taken in by the operator of such games. Pay out in cash or otherwise to winners is not deductible from the gross receipts on which the tax is to be computed.

The gross receipts from slot machines, where the jackpot is locked and will not pay when the player "hits the jackpot," is the total amount which the operator thereof takes from the machine, notwithstanding the fact that there is a guaranteed amount to be paid to the winner of the jackpot. Where the jackpot is refilled from the amount deposited in the machine by the player and drops when the player "hits the jackpot," the gross receipts is the amount which the operator of such machine takes from the receptacle in which the proceeds from the machine are deposited.

The gross receipts from operation of a slot machine that vends coins is the amount of money removed from the said machine. That is true even though the jackpot may be guaranteed and paid out independently of the machine. In other words the sales tax must be computed as two percent of all money taken from the machine regardless of what happens to the money after having been removed therefrom.

The gross receipts from fortune telling and fortune tellers are taxable amusements within the meaning of the law. Every concession at a fair, carnival or like place is considered an amusement where an admission is charged or a collection of voluntary contributions tak-



en by the person operating the concession. The only exemption is advertising booths at which no taxable personal property is sold and where entertainment is furnished without charge or contribution.

Where cigarettes are given away on punch boards, the cigarettes are not deductible even though tax has been paid on the cigarettes. Punch boards are considered amusement games. A punch board giving cigarettes away is no different from any other board, the cigarettes merely become a prize in a game.

The tax applies on the gross receipts from the sale of chances by all organizations. The only exception is when the entire net proceeds of the sale are expended for educational, religious or charitable purposes.

A person operating amusements is required, as far as practicable, to collect sales tax from patrons. The law which provides for tax on amusements and games, is an amendment to the sales tax law, therefore, all of the provisions of the sales tax law apply to amusement tax.

Any municipal swimming pool, golf course or other playground and athletic activity operated solely by a municipality and not for profit is not covered by this Act, and, therefore, not subject to the tax. All private pools, golf courses and other playground and athletic activities are within the provisions of the statute and are taxable. [Amended August 5, 1958 and October 10, 1958]

#### Section 422.43.

For tax on admissions see rule No. 20.

**111.2 River steamboats.** River steamboats hauling passengers on pleasure rides on the Mississippi river or any other river within the state or which forms a boundary line between this and another state is an amusement enterprise within the meaning of the law, where passengers are picked up or tickets sold to them on the Iowa side of the river the gross receipts from such sales are taxable.

Section 1.3 of the Code provides that the state has jurisdiction on the waters of any river or lake which forms a common boundary between this or any other state and therefore such boat rides and amusements are not to be considered as interstate transportation.

For tax on admissions see rule No. 20.

**111.3 Rental of personal property in connection with the operation of amusements.** The law provides for a tax of two percent on the gross receipts from commercial amusements. The gross receipts upon which retail sales tax shall be computed shall include the rental of personal property in connection with the operation of amusements. Such rentals shall include towels, swim suits, boats, golf clubs, roller skates, saddle horses and all other personal property or equipment used by patrons in connection with the operation of commercial amusements notwithstanding the fact that the rental of such personal property

may be billed separately. [Amended November 30, 1964]

For tax on admissions see rule No. 20.

**111.4 Admissions to state, county, district and local fairs.** The law with reference to tax on amusements and entertainments may be found in section 422.43. The law in subsection 4 of Code section 422.45 exempts the gross receipts from sales of tickets or admissions to state, district, county, or local fairs. There is no doubt that the sale of tickets or admissions to a fair, notwithstanding the fact that an automobile or other prizes shall be given away to the holder of the lucky ticket of admission, is exempted. Moreover, the law which placed a tax on amusement devices provides, "but no tax shall be imposed upon any activity exempt from sales tax under the provisions of subsection 4 of section 422.45, Code of 1946", which grants exemptions as follows:

"The gross receipts from sales of tickets or admissions to state, county, district and local fairs, and the gross receipts from educational, religious, or charitable activities, where the entire net proceeds are expended for educational, religious, or charitable purposes."

It is evident that it was the intention of the legislature to exempt tickets or admissions to state, county, or local fairs; such an exemption is not affected by the tax on amusements. Therefore, there is no sales tax on tickets or admissions to a fair even though a prize may be given in connection therewith.

The exemption as to state, county and local fairs applies to all of the activities and admissions to events operated solely by the fair association in connection with a fair. Therefore, the exemption applies equally to admissions to the fair, to the grandstand, to horse races and other performances and also to evening entertainments in front of the grandstand conducted by the fair association.

The exemption does not apply to any entertainment or activity conducted by a concessionaire even though the fair association may be interested in the concession and obtains a percentage of the receipts.

For tax on admissions see rule No. 20.

**111.5 Horse show not a fair—fair defined.** The holding of a horse show does not constitute a state, county, district or local fair. Subsection four of Code section 422.45 exempts the gross receipts from the sale of tickets of admission to state, county, district and local fairs from the imposition of a retail sales tax. The fact that the fair association is a nonprofit organization is not material, for retail sales tax is not concerned with either profit or loss but is a tax on the gross receipts from the sale of tangible personal property at retail and the sale of tickets or admissions to places of amusement. There can be no doubt that a horse show is an amusement, notwithstanding the fact that it is sponsored by a county fair association.



The term "Fair" is defined in section 174.1, Code of 1950, 1954, as follows:

"1. 'Fair' shall mean a bona fide exhibition of agricultural, dairy and kindred products, livestock and farm implements."

It will be noted that the several things to be exhibited are connected by the conjunctive word "and". A show which exhibits horses primarily for entertainment is neither a state, district, county or local fair, therefore, the gross receipts from the sale of tickets of admission to such an exhibition are subject to the retail tax.

The powers of a fair association which is designated as a "society" in the Code are defined in Code section 174.2 as follows:

"POWERS OF SOCIETY. Each society may hold annually a fair to further interest in agriculture and to encourage the improvement of agricultural products, livestock, articles of domestic industry, implements and other mechanical devices. It may offer and award such premiums as will induce general competition."

The society is limited to the holding of one fair annually. It is implied from the powers granted the society that the one annual fair is the only fair to be held.

For tax on admissions see rule No. 20.

**111.6 Commercial amusement enterprises—companies or persons which contract to furnish show for fixed fee.** Prior to the enactment of chapter 226, Acts of the Fifty-second General Assembly, the tax was limited to two percent of tickets or admissions to places of amusement. Said chapter 226 is now included in section 422.43, Code of 1950, 1954. A tax is imposed beginning with the first day of July, 1947, upon the gross receipts derived from the operation of all forms of amusement devices and commercial amusement enterprises so that it is not necessary for the operator of an amusement device to charge an admission. The gross receipts are taxable without regard to the manner in which such gross receipts are received. For the reasons above stated, any circus, show, carnival company or person contracting with persons to put on a show for a fixed fee is liable for tax at the rate of two percent of the amount paid in for such performances or operation of the amusement device.

For tax on admissions see rule No. 20.  
Section 422.43

**112 Applies to sales tax only. Skating rinks.** The gross receipts from the operation of an ice or roller skating rink are taxable, including receipts from renting the rink to individuals and parties and fees charged for rental of skates. Skating being an amusement all of the provisions of rules No. 111 and 111.1 apply thereto.

**113 Sales of ice.** All sales of ice for domestic or commercial consumption are taxable.

Persons making retail sales of ice must pay

the tax even though the purchaser thereof uses the same in cooling perishable personal property which is to be resold by him.

Sales of cube ice to restaurants or taverns, which is placed in drinks sold at the place of business, are not subject to the sales tax. Sales of ice for use in air cooling devices or refrigerator units are taxable.

The gross receipts from the sale of ice is taxable where ice is sold to railroads or other persons to be used for icing or reicing cars belonging to the carrier, other carriers or persons owning such cars.

Persons selling ice are required to hold a retail sales tax permit and remit tax to the commission in accordance with the provisions of this rule. Railroads are deemed to be the consumers and not retailers where ice is used by them for icing or reicing cars for shippers even though a charge is made for such service.

**114 Photographers and photostaters.** Tax applies to sales of photographs and photostat copies, whether or not produced to the special order of the customer, and to charges for the making of photographs or photostat copies out of materials furnished by the customer. No deduction is allowable on account of such expenses of the photographer as travel time, rental of equipment, or salaries or wages paid to assistants or models, whether or not such expenses are itemized in billings to customers.

Tax does not apply to sales to photographers and photostat producers of tangible personal property which becomes an ingredient or component part of photographs or photostat copies sold, such as mounts, frames and sensitized paper, but does apply to sales to the photographer or producer of materials used in the process of making the photographs or photostat copies and not becoming an ingredient or component part thereof, such as chemicals, trays, films, plates, proof paper, and cameras. [Amended Aug. 10, 1962]

Section 422.42 (3)

**114.1 Photo finishers.** Tax applies to charges for printing pictures or making enlargements from negatives furnished by the customer but not to charges for developing the negatives if such charges are separately stated. Tax does not apply to charges for tinting or coloring pictures furnished to the finisher by the customer. Tax applies to sales to photo finishers of all tangible personal property used by them in developing negatives, finishing pictures, and coloring or tinting pictures furnished by customers, except sensitized paper upon which the prints are made, and frames and mounts sold along with the finished pictures. [Amended Aug. 10, 1962]

Sections 422.42 (6) and 422.42 (5)

**114.2 Sales of photographs to newspaper or magazine publishers for reproduction.** The sale of photographs by a person engaged in the business of making and selling photographs to newspaper or magazine publishers

for reproduction is taxable. [Amended Aug. 10, 1962]

Section 422.42 (6)

**115 Gravel and stone.** Where a contract is entered into between a contractor and a county and the contract calls for a stock pile delivery along a road to be improved, there is a sale of tangible personal property to the county. Sales tax does not apply on such transactions for it qualifies for the sales tax exemption enacted by the 55th General Assembly that became effective on July 4, 1953. Where a contract provides not only for the sale and delivery of materials but also for the conversion thereof into realty improvements, the contractor is the ultimate consumer of the material used and is liable for tax. The tax would apply on the purchase price of the material or the production cost thereof. [Amended Aug. 10, 1962]

**EXAMPLE 1:** A contractor enters into contract with a county to furnish the materials and labor necessary for the construction of a cement culvert. That is a construction contract. The contractor is considered the ultimate consumer of the materials used, and is liable for the tax thereon as stated in the above paragraph.

Sections 422.42 (6), 422.42 (10) and 422.42 (2)

**116 Antiques, curios, old coins or collectors' postage stamps.** Curios, antiques, art work, coins, collectors' postage stamps and such articles sold to or by art collectors, philatelists, numismatists and other persons who purchase or sell such items of tangible personal property for use and not primarily for resale, are sales at retail subject to the tax.

Stamps, whether canceled or uncanceled, which are sold by a collector or person engaged in retailing stamps to collectors, are taxable.

The distinction between stamps which are purchased by a collector and stamps which are purchased for their value as evidence of the privilege of the owner to have certain mail carried by the U. S. government, is that which determines whether or not a stamp is taxable or not taxable. In other words, a stamp becomes an article of tangible personal property having intrinsic value when, because of the demand, it can be sold for a price greater than its face value. On the other hand when a stamp has only extrinsic value as evidence of the right to certain services or as indicating that certain revenue has been paid it is not subject to either retail sales tax or use tax.

It is not the custom to trade in stamps which have no inherent value, but when, because of scarcity of the stamp, its value as a piece of printed paper increases in proportion to the demand or scarcity of such an article; then the stamp becomes an article of tangible personal property and its sale is taxable.

Stamps are not taxable when purchased for and intended to be used for obtaining postal

service or indicating that certain revenue has been paid.

**117 Pawnbrokers.** Pawnbrokers are primarily engaged in the business of lending money for the repayment of which they accept as security tangible personal property from the owner or pledgor.

In case the pledgor does not redeem the property pledged or pawned within specified statutory time, such property is forfeited to the pawnbroker, to whom title thereto passes at such time.

Where pawnbrokers thereafter sell such articles at retail, they are making sales within the sales tax law, and must collect and remit the tax thereon.

**118 Druggists and pharmacists.** Pharmacists and registered prescription druggists engaged in the business of selling drugs and medicines on prescription, and other merchandise at retail, are liable for tax on the gross receipts from such sales.

Sales made by pharmacists or prescription druggists to physicians, surgeons, dentists, veterinarians, or other consumers and users are sales at retail and are taxable.

(See Rules Nos. 92, 94.1 and 102)

**119 Memorial stones.** Persons engaged in the business of selling memorial stones are selling tangible personal property, and when such stones are sold to final buyers, the gross receipts from such sales are taxable. Where the seller of a memorial stone agrees to erect a stone upon a foundation, the total gross receipts from the sale, including the erection of the foundation and the stone, are taxable, since the foundation is deemed to be a part of the sale of the memorial stone, and the total selling price, including the foundation, represents the sale at retail.

Charges for inscription, or other work incident to preparing a stone for the customer before it is erected, constitute a part of the selling price of the stone, and are therefore taxable.

Charges for inscription upon a stone subsequent to the erection of same, are considered sales of service upon which no sales tax applies.

**120 Applies to sales tax only. Commercial telephone exchanges.** All telephone companies operating an exchange must hold a retail sales tax permit and all companies operating more than one exchange must have a sales tax permit for each business office that it maintains. They must collect and remit sales tax upon the gross receipts from such operations. [Amended Aug. 10, 1962]

The tax shall apply to receipts from the transmission of messages and conversation wholly within the state, for which the exchange collects the charge. In the case of a pay station, the exchange must pay the tax on the total receipts therefrom. Where a minimum amount is guaranteed to the exchange

from any pay station, the tax shall be computed on the full amount collected.

Fees known as switch board charges paid to a commercial telephone exchange by telephone lines, not operating switch boards, must be included in the gross receipts of such commercial exchange.

Commercial telephone companies which levy assessments upon their subscribers on a quarterly, semiannual, annual or any other basis, must include the amount of such assessments in their gross receipts.

In computing the tax due this state, federal taxes separately billed the customer shall be excluded.

**Exemption:** Receipts from telephone services rendered in connection with essential governmental functions of the United States, state of Iowa, counties, cities, school districts and other governmental subdivisions of the state of Iowa are exempt from tax, except sales to any tax levying body used by or in connection with the operations of any municipally-owned utility engaged in selling gas, electricity or heat to the general public. [Amendment filed August 19, 1954]

**Collection of the tax from users:** The tax on local exchange service shall be computed on the amount billed by the exchange to each subscriber or member for such service and the amount of the tax shall be indicated on the toll statement, excluding the federal tax on the toll calls.

Telegrams charged to the account of telephone subscribers and billed by the telephone company shall appear on the toll bill with the tax added.

Where one commercial telephone company furnishes another commercial telephone company services or facilities which are used by the second company in furnishing telephone service to its customers, such services or facilities furnished to the second company are in the nature of a sale-for-resale and the charges therefor are exempt from the sales tax.

**120.1 Communication services furnished by hotel to its guests.** Hotels in the state of Iowa, as a common practice, purchase telephone communication service from telephone companies and furnish such services to the guests of the hotel. The hotel makes a charge for this communication service to its guests in an amount which exceeds the cost of such service to it from the telephone company.

The retail sales tax shall apply to the entire charges which the hotel makes to its guests for such communication service whether the guest calls be local or long distance, except that interstate calls are exempt.

However, for the efficient administration of the law, the hotel shall remit to the telephone company a tax of two percent of the gross receipts which the telephone company derives from the charges for all communication services, except interstate calls, and the telephone company shall be responsible for reporting and remitting such tax to the state.

In addition to the foregoing, the hotel shall report to the state as its gross receipts, the amount which it charges its guest which is over and above the amount of the guest call charges to the hotel by the telephone company, sales tax or federal excise tax not considered, and remit two percent tax thereon.

Hotels making such extra charges on guest calls must hold a retail sales tax permit, but a separate permit is not needed where one is held for other sales at the same location.

The provisions of this rule relating to the method of reporting and remitting the tax shall apply to communication service rendered on and after March 1, 1951.

**121 Applies to sales tax only. Sales to telephone and telegraph companies.** Receipts from sales of tangible personal property to telephone and telegraph companies are taxable under the provisions of the retail sales tax law.

For purchases subject to use tax, see rule No. 191.

**122 Applies to sales tax only. Telegraph service.** Sales of service for the transmission of messages, night letters, day letters and all other messages of similar nature from person to person within this state are subject to the retail sales tax. Any such service between an Iowa resident and a non-resident is considered interstate commerce, exempt from the tax.

**123 Applies to sales tax only. Private clubs.** Private clubs, such as country clubs, athletic clubs, fraternal and other similar social organizations, are retailers of tangible personal property sold by them, even though the sales are made to members only. Therefore, such organizations shall procure a retail sales tax permit and report and pay retail sales tax on the gross receipts of all sales made by such clubs, less the allowable deductions.

Where clubs operate amusements or amusement devices or coin-operated machines the gross receipts therefrom shall be included with the gross receipts from other taxable sales on which the tax is computed. [Amendment filed August 19, 1954]

**124 Aircraft sales.** A. The receipts from the sale of aircraft at retail in Iowa are subject to the retail sales tax.

Persons selling aircraft in Iowa for the purpose of resale shall secure from the purchaser a certificate of resale in substantially the form as follows:

The undersigned .....  
Name and Address of Purchaser  
hereby certifies that the .....  
Description of Purchase

is being purchased for the purpose of resale only; that same will not be used for any other purpose than that of demonstration in connection with the sale of same in the regular course of business; that same is not to be used in conducting a flying school or rendering

passenger service for hire; that the undersigned holds retail sales tax permit No. ....

.....  
Signature of Purchaser

B. In event an aircraft is purchased tax-free on the theory of resale by a person regularly engaged in selling such equipment at retail in Iowa, but is subsequently appropriated by the retailer for use in conducting a flying school or rendering passenger service for hire, or for personal private use or for any other purpose than strictly demonstration in the regular course of sales, the retailer shall be liable for the payment of the sales tax on such equipment so appropriated at the close of the quarterly period during which the equipment was placed to such use. The tax will be due on such equipment computed on the retailer's purchase price and the cost of which should properly be shown under item 1 "a" of the retail sales tax return blank ST-50.

**125 Schools sponsoring national defense training school courses.** Local schools purchasing tangible personal property to be paid for by federal funds, outside the state of Iowa, for use in national defense training school courses in Iowa, are not subject to the payment of use tax, nor are Iowa retailers subject to the payment of sales tax when such property is sold to local schools for such purpose.

Iowa retailers may be exempt from payment of sales tax in respect to property sold to such schools for defense training purposes, if the seller secures from the school a statement certifying the use to be made of the property and indicating the project or training course number. A local school, when purchasing from out-of-state suppliers registered to collect the use tax, should give a like certificate to such registered supplier in order that the billing of the use tax may be omitted.

**126 Rentals off tangible personal property business.**

1. Persons who are engaged in the business of leasing, renting or loaning tangible personal property, to users or consumers, but who are not in the business of selling the type of property being leased, rented or loaned, shall for the purpose of the retail sales tax law and the use tax law be deemed and regarded as consumers or users of such property so leased, rented or loaned. This means that retailers making sales in Iowa of such property to such persons for such purposes are selling at retail within the meaning of the retail sales tax law and the gross receipts so derived are subject to sales tax.

2. Further, this means that such persons who purchase out of Iowa the property to be so rented, leased or loaned to lessees for use in Iowa, owe use tax to the state of Iowa, based upon their purchase price of the property so purchased, the use tax to be paid by such persons to the non-Iowa vendor (if registered to collect Iowa use tax) or otherwise

directly to the Iowa state tax commission, except, in the case of motor vehicles or trailers the use tax is payable to the county treasurer in Iowa who issues the original Iowa registration for the vehicle. [Amended August 5, 1958]

**126.1 Leasing or renting of tangible personal property to lessees who use or consume the property, by persons engaged in such business, but who are also engaged in the business of selling the same type of property to consumers or users.**

1. Persons engaged in the business of leasing, renting, or loaning to users or consumers in Iowa the same type of tangible personal property which they are also engaged in the business of selling at retail, will, when they lease, rent or loan tangible personal property with an option to purchase to users or consumers, be deemed and considered as making sales at retail within the meaning of section 422.42 (3), Code of Iowa, 1958, and therefore subject to the payment of sales tax measured by the amount of gross rental receipts plus the amount of gross sales receipts when the item is sold. Sales tax shall be remitted to the state on such transaction in the same manner as is provided in section 422.42 (6), Code of Iowa, 1958, for sales made under conditional sales contract, except new motor vehicles and new trailers shall be subject to the provisions of section 423.7 and 423.8, Code of 1958, and use tax shall be paid in full to the county treasurer or state motor vehicle registration division before the original Iowa registration is issued.

2. Persons out of Iowa, who lease, rent or loan tangible personal property with an option to purchase, to lessees to be used by the lessee in Iowa, shall be considered and deemed to be making a sale of the property and the lessee shall be considered and deemed to be making a purchase of the property within the meaning of section 423.1 (2), Code of Iowa, 1958, and such lessees shall be subject to the payment of use tax measured by the total amount of rental receipts plus any amount paid as purchase price. Retailers collecting use tax for the state, who lease with an option to purchase, shall collect the use tax and remit to the state as provided by rule No. 188 and section 423.13, Code of 1958.

3. A transaction called a lease with an option to purchase, where the rental receipts are nominal and the option to purchase is not exercised by the lessee within a reasonable time, will be deemed and regarded as a rental without an option to purchase and the tax will be applied according to the provisions of Rule No. 126. [Amended August 5, 1958]

See rule No. 166.

**127 Purchases or sales by schools—sales tax.** 1. When purchasing coal, library books, supplies, equipment, etc., except new motor vehicles, in Iowa for consumption, or use by

the school but not for sale, schools are required to pay the two percent sales tax to the retailer at the time of purchase, the same as private individuals. Effective July 4, 1953, public schools are exempt from sales tax. [Amendment filed August 19, 1954]

2. When purchasing textbooks and other supplies in Iowa for sale and not for consumption or use, schools are not required to pay the two percent sales tax.

3. When selling to pupils textbooks or supplies that belong to the school district where the net proceeds go into the general fund, the seller appointed by the board as depository agent is not required to collect the two percent sales tax whether such seller is a retail merchant or some person appointed to make such sales at the school building, but if such books or supplies are privately owned the seller must collect said tax.

4. When selling tickets to athletic games and other school activities, where the entire net proceeds thereof are expended for school purposes, schools are not required to collect the two percent state sales tax.

Use Tax. 1. When purchasing coal, library books, supplies, equipment, etc., except new motor vehicles, outside of Iowa for consumption or use by the school or for rental purposes but not for sale, schools, in the event the said use tax has not been paid to their supplier, are required to pay the two percent use tax direct to this commission, the same as private individuals. Effective July 4, 1953, public schools are exempt from use tax. [Amendment filed August 19, 1954]

2. When purchasing textbooks and other supplies outside of Iowa for sale and not for consumption or use, schools are not required to pay the two percent use tax.

3. When purchasing new motor vehicles outside or inside of Iowa for use by the school, two percent use tax imposed thereon shall be paid by the school to the county treasurer of the county in which the vehicle is required to be registered. Effective July 4, 1953, public schools are exempt from use tax. [Amendment filed August 19, 1954]

**127.1 School lunch program.** The Act of the 52nd General Assembly which provided for refund of taxes paid to tax certifying and tax levying bodies did not in any manner change the law in regard to exemption of tangible personal property purchased for resale. For many years past, purchases made by schools for resale have been exempted from sales tax under the provisions of rule No. 24. Therefore, purchases of groceries, meats and other articles of food which are to be resold by the school are exempt from the retail sales tax upon presenting, to the retailer, a certificate of resale ST-5.

When school lunches are resold to pupils, such transaction is also exempt from the retail sales tax by virtue of subsection four of sec-

tion 422.45, Code of 1950, 1954, for the reason that the entire net proceeds of a school lunch program are returned to that program or to the school district and such net proceeds, if any, are therefore expended for educational purposes.

**128 Applies to sales tax only. Activities of schools and religious or charitable organizations.** The gross receipts from educational, religious, or charitable activities, where the entire net receipts are expended for educational, religious, or charitable purposes only, are exempt from the sales tax.

Such exemption is available, in the case of a school or college, when athletic activities constitute a curricular or extracurricular activity of the school or college, and are subject to its management and control.

A religious or charitable organization claiming this exemption must be an established and recognized organization devoted to educational, religious, or charitable purposes.

No claim for such exemption will be allowable unless it is clearly shown that the entire net proceeds of the activity are to be devoted to educational, religious, or charitable purposes.

Each claim for such exemption will be considered in the light of the particular circumstances.

This rule is applicable in the case of receipts from lectures, dances, and entertainments sponsored by the same kind of organizations.

**129 Undertakers and funeral directors.** The funeral director or undertaker is engaged in the business of selling tangible personal property such as caskets, grave vaults, and occasionally, grave clothing and flowers. He is likewise engaged in rendering service, such as embalming, and providing livery service and other accessories necessary and convenient in conducting funerals. He is liable for tax measured only by his gross receipts from sales of tangible personal property, as distinguished from services which he renders.

Where funeral directors and undertakers charge lump sums to customers covering the entire cost of the funeral, without dividing the charge for tangible personal property and the charge for services in rendering a bill to the customer, for the purpose of reporting the sale of funeral supplies and merchandise, funeral directors shall report the full amount of the funeral bill, less any cash advanced for purposes such as the purchase of a cemetery lot or grave, opening and closing of grave, other cemetery expenses, remuneration of minister, choir, use of church, press notices or any other cash advanced.

Retail sales tax shall be reported and paid at the rate of two percent on fifty percent of the total funeral bill, less cash advanced. All other plans or methods of reporting retail sales tax by funeral directors for the sale of funeral supplies and merchandise are hereby declared to be null and void.

The funeral director must keep his books so as to show clearly the receipts, cash advances, invoices, sales records, and such other pertinent facts as may from time to time be required by this commission.

The funeral director is considered to be purchasing for resale caskets, grave vaults, grave clothing, embalming fluid, cosmetics, chemicals, etc., the tax on which is passed on to his customers and the funeral director should purchase such items tax free from his suppliers on the theory of resale. The tax on such merchandise shall be accounted for on the basis of two percent of fifty percent of the charge for a complete funeral.

The funeral director is considered to be using or consuming office furniture or equipment, funeral home furnishings, advertising calendars, booklets, motor vehicles and accessories, embalming instruments and equipment, grave equipment, stretchers, baskets and other items which the funeral director uses or consumes in the operation of his business and the title and possession to which are not passed on to his customer. With respect to these items the funeral director should pay the sales tax to his Iowa supplier when the items are bought in this state and should remit use tax directly to the commission when such items are purchased out-of-state, unless the out-of-state supplier is registered with the commission and authorized to collect the use tax for the state, in which last instance the use tax should be paid to the registered supplier.

Where a funeral director is engaged to prepare a body and place it in a casket for shipment out of the state in what is known to the trade as "shipouts" the retail sales tax shall apply. The delivery of the casket is deemed to have taken place when the body was placed therein.

**130 Dentists.** Dentists render professional services, the gross receipts from which are not subject to the retail sales tax. On the other hand, the dentist is deemed to be the final user or consumer of all tangible personal property purchased by him for his use in the rendition of his professional service, except "repair work" furnished to him by Iowa dental laboratories, the last subject being hereinafter discussed.

The dentist being the final user or consumer of the tangible personal property which he purchases for use in the rendition of his professional services, should pay the sales tax to his Iowa suppliers on all such purchases made in Iowa with the exception of "repair work" furnished by Iowa dental laboratories.

The dentist should also report and remit the use tax directly to the commission concerning all tangible personal property purchased from out-of-state suppliers, unless the out-of-state supplier is registered with this department and authorized to collect the use tax for the state, in which last instance the use tax due should be paid to the registered supplier.

The Iowa dental laboratory will bill its Iowa dentist customers for sales tax on the full charge made for all new work which involves the sale of tangible personal property to the dentist. Charges which are made by Iowa dental laboratories to the dentist for services classified as "repair work" are not subject to sales tax, insofar as the Iowa dentist is concerned. The Iowa dental laboratory is deemed to be the final user or consumer of the tangible personal property which the laboratory uses in completing the "repair work" furnished to the dentist. The Iowa dental laboratory will arrive at the amount of material used in such "repair work" by deducting eighty-five percent of the full charge made for the repair work and compute the sales tax at the rate of two percent on the balance, or two percent of fifteen percent of the total charge for the repair work.

Where the Iowa dentist has "repair work" furnished by dental laboratories located outside the state, who are not registered for the collection of the use tax, the Iowa dentist when reporting and remitting use tax on such "repair work" shall compute the tax on fifteen percent of the total charge made for the "repair work."

"Repair work" within the meaning of this rule shall consist of:

DENTURES	PARTIALS	BRIDGE
1. Tooth or teeth	(Metal Work)	1. Grind-in tooth or teeth
2. Broken	1. Solder clasp	2. Repair crown
3. Repair post-dam	2. Solder bar	3. Assemble bridge
4. Relines	3. Repair new clasp (add on)	4. Add porcelain
5. Periphery border	4. Add rest lug	
6. Reface (new gum)	5. Add saddle	
7. Vulcanize clasp to place	6. Add tang to clasp	
8. Back up anterior teeth	7. Add retention to bar	
9. Repair broken horn (Anterior)		

**131** Applies to sales tax only. Iowa dental laboratories. Iowa dental laboratories are engaged in selling tangible personal property to and performing services for Iowa dentists.

The receipts of the Iowa dental laboratories from the sale of tangible personal property to dentists are subject to the Iowa retail sales tax law, with the exception of "repair work" furnished to Iowa dentists.

The Iowa dental laboratory is deemed to be the final user or consumer of the tangible personal property which it uses in order to complete "repair work" furnished to Iowa dentists. Being the final consumer of such materials, laboratories should account to the commission in their retail sales tax returns under item 1 "a" thereof the value of such materials used in

the "repair work." The tax is not passed on to the dentist as an item of tax with respect to "repair work." The laboratory shall arrive at the amount of material used in the repair work by determining fifteen percent of the full charge made to the dentist for the repair work and compute the two percent tax on that figure.

The Iowa dental laboratory should purchase tax-free all tangible personal property which forms a component or integral part of the new work or "repair work" which it is furnishing to Iowa dentists or other dentists, on the theory of resale.

The Iowa dental laboratory is deemed to be the final user or consumer of all other tangible personal property, including tools, office supplies, equipment, and any other tangible personal property which does not form a component part of the new work or "repair work" furnished to Iowa dentists. With respect to these items it should pay the sales tax to its Iowa suppliers when purchasing in this state, or should remit the use tax directly to the commission when such items are purchased from out-of-state suppliers, unless the out-of-state supplier is registered with this commission and authorized to collect the use tax for the state, in which last instance the use tax should be paid to the registered supplier.

The Iowa dental laboratory is required to hold a retail sales tax permit.

"Repair work" within the meaning of this rule shall consist of:

DENTURES	PARTIALS (Metal Work)	BRIDGE
1. Tooth or teeth	1. Solder clasp	1. Grind-in tooth or teeth
2. Broken	2. Solder bar	2. Repair crown
3. Repair post-dam	3. Repair new clasp (add on)	3. Assemble bridge
4. Relines	4. Add rest lug	4. Add porcelain
5. Periphery border	5. Add saddle	
6. Reface (new gum)	6. Add tang to clasp	
7. Vulcanize clasp to place	7. Add retention to bar	
8. Back up anterior teeth		
9. Repair broken horn (Anterior)		

For regulations as to out-of-state dental laboratories, see rule No. 198.

**132 Dental supply houses.** Dental supply houses are engaged in selling tangible personal property to dentists and dental laboratories.

The gross receipts from the dental supply house derived from the sale of tangible personal property sold for delivery in Iowa to dentists are subject to the retail sales tax.

The gross receipts of the dental supply house from the sale of tangible personal property sold for delivery in Iowa to Iowa dental laboratories are subject to the retail sales tax,

except that property which the dental laboratory uses in forming a component part of the tangible personal property furnished to his dentist customers, which includes new work and repair work. When the dental laboratory is purchasing tangible personal property, a part of which is to form a component part of the property which it is selling and a part of which it is to use or consume, the laboratory may give to its supplier a certificate of resale covering the entire purchase, after which the supplier will omit the billing of the sales tax. Dental laboratories making intrastate sales to Iowa dentists or Iowa dental laboratories are required to hold a retail sales tax permit.

Dental laboratories making interstate sales to Iowa dentists or dental laboratories are required to register for the collection of use tax, in event they come within the mandatory requirements of the use tax law, in the matter of registering and collecting the use tax for the state.

**133 News distributors and magazine distributors.** News distributors and magazine distributors engaged in selling magazines and periodicals intrastate in Iowa to magazine boys or girls or other persons who are engaged in part-time distribution of such magazines are deemed to be making sales at retail, the receipts from which are subject to the retail sales tax.

Such news distributor's or magazine distributor's receipts from the sale of magazines or periodicals to street newsstands will be subject to the retail sales tax, provided the operator of the newsstand does not hold a retail sales tax permit.

**134 Magazine subscriptions by independent dealers.** The gross receipts from the sale of subscriptions to magazines or periodicals, derived by independent distributors or dealers in the state of Iowa who secure such subscriptions as independent dealers or distributors, are subject to the retail sales tax and such independent distributors or dealers must hold a retail sales tax permit and report two percent of receipts derived from such subscriptions.

If, however, the person securing the subscription in Iowa is acting as an agent for an out-of-state publisher or subscription agency and the subscription is forwarded to such out-of-state principal for acceptance and fulfillment by shipment of the magazines to the subscribers in Iowa, the receipts from such subscriptions are subject to the retail sales tax law. (See rule No. 190.) The commission has found that it is necessary for the practical administration of the law to hold an agent selling magazine subscriptions liable for the collection of either the retail sales tax or use tax as the case may be.

Section 423.1.

**135 Applies to sales tax only.** Sales by finance companies. Finance companies who repossess or acquire tangible personal property in connection with their finance business



and who sell tangible personal property at retail in Iowa are required to hold a retail sales tax permit and remit to the commission two percent of their receipts of such sales at retail in Iowa. For rules in reference to motor vehicles, see No. 207 and No. 209.

**136 Sales of baling wire—binder twine.** The sale of baling wire and binder twine to farmers is subject to sales tax. If baling wire is used by a farmer in baling hay for sale on the public market, it would be tax exempt as an item for resale.

Commercial balers who are employed to bale hay are subject to sales tax on all baling wire acquired by them. [Amended August 10, 1962]

**137 Applies to sales tax only. Claim for refund of sales tax.** See section 422.66.

Refunds of sales tax are made by the commission only to those persons who have remitted such sales tax directly to it.

Persons claiming refund of sales tax shall prepare such claim on official claim for refund blanks, form ST-52A, which forms are furnished by the commission. The claims for refund must be filed in duplicate with the commission, each of which should be properly sworn to in the presence of a notary public or clerk of district court. Such claims should be fully executed and clearly state the reasons and facts on which the claim for refund is based.

Section 422.67

For refund to tax certifying and tax levying bodies—see rule No. 49. For refund to relief agencies see rule No. 51.

## PART II

### MATERIALS AND SUPPLIES USED IN CONSTRUCTION

#### Rules Nos. 138 to 169, Inclusive

Materials and supplies sold to owners, construction contractors and subcontractors for the erection of buildings, and the alteration, improvement and repair of real property.

**138 Construction contract.** A construction contract is one under the terms of which a party agrees to furnish the necessary building or structural equipment and materials and install or erect same on the project site, in connection with the construction, alteration or repair of a building or other structure or improvement on land, but does not include the furnishing and installation of machinery and equipment used within the structure for manufacturing or processing operations, or other purposes, which is not directly intended as an addition to, or essential to, the building structure. (See rule No. 143 relating to the furnishing and installation of machinery and equipment.)

**138.1 General construction contractor.** A general construction contractor is a person who contracts to furnish the necessary materials and labor for the performance of a

construction contract and generally is one who contracts to build the entire project or a major portion thereof. The person with whom the general construction contractor contracts is ordinarily the owner of the land and structure thereon.

**138.2 Special construction contractor.** A special construction contractor is one who contracts directly with the sponsor of the project to furnish the necessary materials and labor to complete a special portion of a construction project which is not included in the general contract.

**138.3 Construction subcontractors.** A construction subcontractor is a person who contracts to furnish the necessary materials and labor for the completion of a portion of the general construction contract for erection or installation on the job site. The construction subcontractor ordinarily contracts with the general contractor to perform a certain part of the work which the general contractor has undertaken under the general construction contract, but sublets.

**138.4 Sponsor.** A sponsor is the other party to a contract, where a construction general contractor or a construction special contractor or a construction subcontractor contracts to do construction work, under class "A", "B", "C" or "D" contract. The general contractor is considered to be a sponsor of his subcontractors. [Filed December 27, 1956]

**138.5 Materials supplier not a subcontractor.**

1. A person who sells tangible property, in the form of building or structural material, to a construction contractor, where the person makes no erection or installation of the material at the job site, is not to be regarded as a subcontractor.

2. Such a person is a material supplier or a retailer selling tangible personal property. (See rule No. 138.7, par. 2.)

**138.6 Classification of construction contracts.** Construction contracts are generally let under one of four classes of contracts, viz:

Class (A) those in which the contractor or subcontractor agrees to furnish the materials and supplies and necessary services for a lump sum;

Class (B) those in which the contractor or subcontractor agrees to furnish the materials and supplies and necessary services on a cost plus basis;

Class (C) those in which the contractor or subcontractor agrees to furnish the materials and supplies and necessary services on a time and material basis with an upset or guaranteed price which may not be exceeded;

Class (D) those in which the contractor or subcontractor agrees to sell the materials and supplies at any agreed price or at the regular retail price and to render the services either



for an additional agreed price or on the basis of labor employed.

**138.7 General construction contractors, special construction contractors and construction subcontractors under contracts, class "A" (lump sum), class "B" (cost plus), and class "C" (time and material with upset price) and class "D" are consumers.**

1. For the purpose of retail sales tax and use tax, construction contractors, including general, special and sub using class "A", "B", "C" or "D" contracts, are regarded as the consumers or users of all tangible personal property which they purchase, acquire or manufacture for use in completing their respective construction contracts. [Filed December 27, 1956]

2. This means these should pay the retail sales tax to their Iowa supplier when purchases of tangible personal property are made in this state, in other words, Iowa retailers making local intrastate sales to such persons of tangible personal property, to be used for such purposes, are making sales at retail the receipts from which are subject to retail sales tax. If the contractor uses tangible personal property in completing the construction, on which he has himself manufactured or fabricated, the tax will be two percent of his manufactured or fabricated cost.

3. This likewise means, that these contractors purchasing, acquiring or manufacturing tangible personal property outside the state of Iowa, for such use in Iowa, owe use tax on such out-of-state purchases, measured at the rate of two percent of the purchase price, or in the case of a product manufactured by himself, the contractor owes two percent of his cost of manufacture.

4. The use tax should be paid by the general construction contractor, special construction contractor or construction subcontractor, directly to the state tax commission, using the consumer's use tax return form UT-510, unless the out-of-state vendor from whom purchased is registered with the use tax department and does bill and collect the Iowa use tax for the state.

5. The construction, general, special or subcontractor, when bidding on a lump sum basis, should anticipate that the sales or use tax will increase his cost of building materials two percent and make the necessary allowance in his bid before submission, inasmuch as the tax is not collected from the sponsor over and above the contract price on such contract.

6. Sums paid to the owner of the land for the privilege of removing sand, gravel, rock, stone or other minerals from the land for use by one whose principal business is laying pavement or constructing streets, roads, or highways which materials are used by them for that purpose are not payments for the purchase of tangible personal property. Therefore, the transaction is not subject to sales tax.

7. The screening, washing, crushing, sizing and otherwise processing of sand, gravel, rock, stone or other minerals is not "manufacturing" by one whose principal business is laying pavement or constructing streets, roads or highways within the provisions of section 422.42 (11). Therefore, if the contractor is the owner or lessee of land and removes or causes minerals to be removed from the land and uses the minerals in the performance of a contract for laying pavement or constructing streets, roads or highways, such use does not constitute a sale under the provisions of section 422.42 (11), Code of Iowa, 1962, and is not subject to sales tax.

8. The mixing of crushed rock, sand and gravel with fluxing oil or similar materials and heating the mixture to regulated temperatures before using is not manufacturing by one whose principal business is laying pavement or constructing streets, roads or highways. And if a person so processing such materials uses the processed materials in the performance of a contract for laying pavement or constructing streets, roads or highways, such use does not constitute a sale under the provisions of section 422.42 (11), Code of Iowa, 1962, and therefore is not subject to sales tax. Likewise, the combining of crushed rock or gravel, sand, cement and water and applying the same to prepared road surfaces is not manufacturing by one whose principal business is laying pavement or constructing streets, roads or highways and the cost of such processing is not subject to sales tax.

9. When sand, gravel, stone, rock or other minerals have been removed from their natural deposit and are then sold for use by the purchaser thereof as the ultimate consumer, a sale of tangible personal property is involved and such sale is subject to sales or use tax.

10. When crushed rock, sand or gravel are mixed with fluxing oil or similar materials and such mixtures heated to regulated temperatures and after such processing are sold for use by the purchaser thereof as the ultimate consumer, a sale of tangible personal property is involved and such sale is subject to sales or use tax.

11. When sand, gravel, stone or rock are combined with cement and water and the resulting combination is sold for use by the purchaser thereof as the ultimate consumer, a sale of tangible personal property is involved and such sale is subject to sales or use tax. [Amended November 30, 1964]

Paragraphs six through eleven are intended to implement section 422.42 (11), Code of Iowa, 1962, as interpreted by Associated General Contractors vs. Iowa State Tax Commission 255 Iowa 673.

### 139 Rescinded December 27, 1956.

**140 Contractors own tools and equipment.** The contractor owes use tax on his own tools or equipment which are used by him on the

job site in Iowa, provided, same have been purchased since April 16, 1937 (the effective date of the Iowa use tax law) and provided these have not been purchased by him in Iowa subject to retail sales tax. If acquired outside of Iowa within the date herein set forth, the contractor would owe use tax on such equipment to the state of Iowa measured at the rate of two percent of his purchase price. If the contractor has paid sales tax or use tax to another state with respect to such equipment used in Iowa, he may secure credit for the foreign tax payment by making an affirmative showing to the use tax department concerning the purchase price, the amount of sales or use tax paid to the foreign state, together with the purchase date and description of the equipment. If the foreign tax paid is equal to the Iowa tax no further tax is due and if less than the Iowa tax, the difference is due the state of Iowa.

**141 Contractor using in Iowa construction tools and construction equipment leased to him by others owning the equipment.** Where the contractor has leased equipment from others, which he is using in connection with the construction work but which is not a part of the machinery or equipment furnished to the sponsor in performance of the contract, the owner of such leased equipment is or may be liable for the payment of use tax. The owner leasing such equipment to such contractor for such use in Iowa would owe use tax on any equipment purchased since April 16, 1937 and be entitled to credit for any sales tax or use tax he may have paid to a foreign state on such equipment, in the same manner as the contractor would on his own tools or equipment. The owner is exercising one of the rights of ownership over the property leased in Iowa which is taxed under the definition of "use". (See rule 166 relating to leased tangible personal property.) Any sales or use tax, due from such owner leasing equipment to the contractor completing a contract in Iowa, becomes a lien upon the rental fees due him from the contractor, under the provisions of the use tax law.

**142 Rescinded December 27, 1956.**

**143 Machinery and equipment sales contracts with installation involved.**

1. At times persons contract to furnish and install machinery and equipment in plants, shops and factories and other places where the machinery or equipment is intended to be used primarily in the production, manufacturing or processing of tangible personal property or other purposes not primarily essential to the building structure itself, but which incidentally may, on account of the nature of the machinery or equipment furnished, be more or less securely attached to the realty, but which does not lose its identity as a particular piece of equipment or machinery.

2. Such contracts are not to be considered as construction contracts for the purpose of

the sales and use tax regulations and sales and use tax regulations applying to construction contracts do not apply to these transactions.

3. On the other hand, these transactions are to be considered as sales of tangible personal property by the supplier. If the sale is a local intrastate sale to a consumer or to any other person for any purpose other than resale, the sale is at retail and the receipts therefrom subject to retail sales tax.

4. If, on the other hand, the sales transaction is one in interstate commerce and if the sale is to a consumer in Iowa or other person taxable under the definition of "use", then the transaction comes within the scope of the use tax law and the purchaser is liable for the payment of use tax.

5. The measure of retail sales tax, in event the sale is local intrastate, is two percent of the contract price, unless the seller separates the installation charge for services on the job site from the selling price of the machinery or equipment itself. (See rule No. 42, Re: Installation charges.)

6. The measure of use tax is two percent of the full contract price, unless the charges for installation services on the job site are separated in the contract from the selling price of machinery or equipment itself. (See rule No. 42, Re: Installation charges.)

7. If the installation charge on the job site is set out separately by the seller to the buyer, then sales tax or use tax, as the case may be, applies only to the purchase price of the machinery or equipment.

8. However, if the installation charge is separated from the price of the machinery or equipment, and the seller in performing the installation phase of the contract uses tangible personal property in the installation work, then the seller shall be responsible for sales tax or use tax on the installation material itself measured at his cost.

9. The method of making a return and the payment of tax in the case of contracts for the sale and installation of machinery or equipment shall be the same as those rules applying to ordinary retailers under sales tax or retailers under use tax. (See sales tax rules, Nos. 11.1, 15 and 18.) (See use tax rule No. 181.)

10. A person who contracts to furnish and install machinery or equipment, as described in this rule and rule 144, may not contract directly with the ultimate owner of the equipment, normally the sponsor of the project, but his contract may be with the general construction contractor on the project, or a special construction contractor on the project or a subcontractor on the project. Inasmuch as his transaction is regarded as a sale, in event his contract is not with the ultimate owner of the equipment, but is with one of the contractors or subcontractors, then his sale will be considered a sale to such persons for the purpose of resale. This means the general contractor,

special contractor or subcontractor, who is the other party to the contract, is making the sale at retail and will be required to bill the ultimate owner for the sales tax on such machinery or equipment so furnished. In such case, the person supplying the machinery or equipment shall secure from the other party to his contract a certificate of resale as provided for in sales tax rule No. 24 or use tax rule No. 187.

**144 Distinguishing "construction contracts" from "machinery and equipment sales contracts."**

1. At times it becomes difficult to distinguish in certain installations between a "construction contract" and a "machinery and equipment sales contract."

2. Inasmuch as the principles of application of sales and use tax vary with the type of contract and inasmuch as it is necessary for the efficient and uniform administration of these taxes, the commission is under this rule, attempting to place various sorts of these contracts into their proper category for the purpose of applying sales tax or use tax as the case may be.

3. Therefore, there is hereinafter listed (paragraph 4) those contracts which the commission holds fall within the category of "construction contracts" and to these the rules applying to construction contract should be followed, together with a listing (paragraph 5) of those transactions which the commission holds come within the category of "machinery and equipment sales contracts" and to these latter the rules pertaining to the sale of machinery and equipment to be installed by the buyer, are to be followed.

4. "Construction contracts" described in rules No. 138 and No. 138.7:

1. Brick work
2. Builders hardware
3. Caulking materials work
4. Cement work
5. Electric conduit work
6. Electric wiring and connections
7. Flooring work
8. Glass and glazing work
9. Gravel work
10. Concrete work
11. Lathing work
12. Lead work
13. Lime work
14. Lumber and carpenter work
15. Macadam work
16. Mill work installed
17. Mortar work
18. Oil work
19. Painting work
20. Papering work
21. Piping valves and pipe fitting work
22. Plastering work
23. Putty work
24. Reinforcing mesh work
25. Roofing work
26. Sanding work

27. Sheet metal work
  28. Steel work
  29. Stone work
  30. Stucco work
  31. Tile work
  32. Wall board work
  33. Wall coping work
  34. Wall paper work
  35. Weather stripping work
  36. Wire net screen work
  37. Wood preserving work
  38. Lighting fixtures
  39. Plumbing fixtures
  40. Furnaces, boilers and heating units (for space heating)
  41. Air conditioning units (central plant installation as distinguished from portable units)
  42. Refrigeration units (central plants installation as distinguished from portable units)
  43. Passenger and freight elevators
  44. Awnings and venetian blinds
  45. Burglar alarm and fire alarm fixtures
  46. Vault doors and equipment
  47. Prefabricated cabinets, counters and lockers (installed)
  48. Signs (other than portable)
  49. Automatic sprinkler systems (fire protection)
  50. Electric transmission lines
  51. Electric distribution lines
  52. Road construction (concrete, bituminous, gravel, etc.)
  53. Underground sewage disposal
  54. Underground water mains
  55. Underground gas mains
5. "Machinery and equipment sales contracts" with installation by seller, described in rule No. 143:

1. Portable machines, equipment and tools
2. Furniture
3. Vehicles
4. Lathes
5. Drills
6. Presses
7. Cranes
8. Core ovens
9. Generators
10. Turbines (steam)
11. Electric motors (driving processing equipment)
12. Power switchboards
13. Boilers (not for space heating)
14. Stokers and furnaces (not for space heating)
15. Coal handling equipment (not for space heating)
16. Ash removal equipment (not for space heating)
17. Turbo-generator units
18. Manufacturing equipment and machinery used to handle, fabricate, manufacture raw materials into finished products and which is not primarily essential to the building structure itself
19. Paint booths and spray booths
20. Conveying systems handling raw materials or finished products

21. Diesel engines (for processing)

22. Coal pulverizing equipment (not for space heating)

6. The foregoing cataloging of the types of contracts mentioned is not intended to exhaust this subject, but it is the commission's interpretation of the categories in which each should be placed. From time to time it is the intention of the commission to catalog other transactions of this type in their proper places and add to the listings found in this rule. This is for the purpose of uniformity in the application of the sales and use tax to all persons who may be concerned. Information concerning any transaction which is not found in this published rule may be secured by inquiry to this department.

**145 Mixed, "construction contract" and "machinery and equipment sales contract."**

1. There are occasions when a construction contract may be let, included in which is the furnishing and installation of machinery and equipment on a turn key job basis. In other words, the construction contract is mingled with a machinery and equipment sales contract.

2. Where a contractor performs such a mixed contract for a lump sum, he will be considered to be the consumer, for the purpose of sales and use tax, of all structural or building materials supplied and installed and will be regarded as the retailer of the machinery and equipment furnished and installed.

3. If such a mixed contract is let for a lump sum amount, the machinery and equipment furnished and installed will be considered, for the purpose of this rule only, as being sold by the contractor for an amount equal to his cost of the equipment delivered at the job site, provided such machinery and equipment is listed as a "machinery and equipment sales contract" under the provisions of rule No. 144.

**146 Machinery and equipment sales contractors are retailers.**

1. Contractors furnishing and installing machinery and equipment as provided in rules 143 and 144 are retailers and would be required to apply for and hold a retail sales tax permit and report and remit two percent of the gross receipts from such sales, provided the transactions were local intrastate sales at retail in Iowa. (See sales tax rules No. 11.1 and No. 15.)

2. If such contractors selling equipment and machinery with installation involved are making interstate sales, they would be required to collect the amount of use tax due from the customer and report and remit same to this office quarterly in the same manner as other retailers selling subject to use tax. (See rules Nos. 170 and 181.) [Amendments filed December 27, 1956]

**147 Certain construction contractors may also be retailers and need retail sales tax permit.**

1. Some contractors may operate retail

places of business where over-the-counter sales at retail are made as well as other sales for resale, etc.

2. Some types of contractors have a dual personality, namely, being consumers on their construction work under class "A", "B", "C" and "D" construction as well as retailers in over-the-counter sales. (See sales tax rule No. 168.1)

3. Such contractors, because of being engaged in selling at retail, are required to apply for and hold a retail sales tax permit. On their retail sales they bill their customer for the sales tax over and above the selling price and report two percent of the gross receipts from retail sales as sales tax directly to this office using the retail sales tax return blank ST-50.

4. When such contractors purchase quantities of building materials, etc., some of which are sold over the counter at retail and some of which are used by the contractor in completing construction contracts under class "A", "B", "C" and "D", he is unable to determine at the time of purchase what portion will be used for each purpose. Therefore, such type contractor will be entitled to purchase tax free from his supplier, by furnishing a certificate of resale to said supplier, all materials a part of which may be resold at retail (over-the-counter sales) and a part of which may be used in the construction work. The contractor of course would not be entitled to purchase tax-free for resale his own tools or equipment or any building materials or supplies, which are not subject to retail sales, but only that material a part of which may be used in construction contracts. [See rule No. 24—certificate of resale.]

5. When filing his retail sales tax return the contractor will show, under "Item 1." of sales tax return blank ST-50, his total gross sales for the quarter, which would include the amount of the over-the-counter sales at retail where no installation is involved, plus the amount of any over-the-counter sales for resale, etc.

6. Under "item 1. a." of the retail sales tax return blank ST-50 the contractor would show the cost to him of all materials purchased tax-free for resale but used or consumed by him in completing construction contracts under class "A", "B", "C" or "D".

7. Appropriate deductions for items included in "Item 1," may be taken under "Item 2" and the net taxable sales plus the cost of materials used in construction contracts class "A", "B", "C" and "D" (Item 1. "a") are then grouped together and a two percent tax paid directly to the commission with the sales tax return.

8. Concerning the contractor's purchases of his own tools or equipment or other items which are not to be resold, the contractor should pay the sales tax to the Iowa supplier if these purchases are made in this state.

9. If the purchases mentioned in the last paragraph are made by the contractor outside

the state of Iowa, then the contractor shall include such purchases in the consumer's use tax return UT-510 directly to this office, unless the out-of-state vendor from whom the purchase is made is registered with the use tax department and does bill and collect the Iowa use tax for the state. [Amendments filed December 27, 1956]

**148 Sponsor's return of information.** Upon request by this commission or any division thereof, sponsors who have awarded lump sum contracts are required to furnish to this commission or to any division thereof full information as to all contracts let and to furnish the names of the general and special contractors entering into a contract with the sponsor and such other information germane to the contract let as is requested by this commission or any division thereof. In the event that the sponsor purchases any material direct from suppliers in addition to the material furnished by either the general or special contractors, then such purchasers of material shall be reported to this commission or to any division thereof upon forms furnished by said division.

**149 Consumer's use tax returns and tax due quarterly.**

1. Consumer's use tax returns, under the law, are required to be filed on a calendar quarterly basis consisting of three calendar months.

2. The quarterly periods for the year ending March 31, June 30, September 30 and December 31.

3. The full month is allowed following the close of each quarterly period in which to file the return and remit the tax before becoming delinquent. [Amended October 10, 1958]

**150 Nonresident construction contractors required to make separate reports and returns on each individual Iowa construction contract.**

1. Construction contractors, who are not residents of Iowa and who do not maintain a place of business in Iowa where full records are kept concerning sales and use tax transactions, are required to make a special report to the commission concerning each individual construction contract class "A", "B", "C" or "D" performed by it in Iowa, unless specifically relieved from doing so in writing by the commission, or its department handling these matters. [Filed December 27, 1956]

2. The report shall consist of the filing of the following listed forms and supplying the information therein requested:

3. Form ST-42. List of subcontractors, if any, to whom the nonresident contractor has awarded a construction contract, under the terms of which his sub is to furnish its own material and install same on the job site. The further information as to the amount of the subcontract, the type of subcontract and the date let should be indicated. This information

should be submitted on each project as soon as the information is available.

4. Form ST-43. List of material suppliers, both in Iowa and outside of Iowa from whom tangible personal property has been purchased for use in completing the particular construction contract in question, which should include all structural materials and supplies, as well as the contractor's own tools or equipment used on the job site. The information on this form should show the type of merchandise purchased, the purchase price and whether or not Iowa sales tax or use tax was paid to the supplier at the time of purchase. If a sales tax or use tax, imposed by a foreign state, was paid at the time of purchase, the name of the state should be listed together with the name and address of the supplier to whom the tax was paid, as well as the amount and type of tax.

5. Form UT-527 summary sheet of contract should be executed for each construction contract and which consists of a summary of the entire contract.

6. Form ST-43 and UT-527 should be filed by the construction contractor with the commission at the time of the filing of the final consumer use tax return on the particular contract in question.

7. The nonresident contractor is required to file quarterly use tax returns during the progress of the job, unless he has received permission in writing from the commission or its department handling such matters to file at the close of the job. (See rule No. 151 concerning special permission for reporting by the job.)

8. The construction contractor may at the close of the job request a letter of release, concerning sales and use tax, from the commission, the original of which will be sent to the sponsor and a copy to the construction contractor, provided, the required reports, returns and tax have been properly submitted. [Amendment filed December 27, 1956]

**151 Use tax returns by contract job.**

1. This commission, having considered the matter of certain contractors making use tax returns by contract jobs instead of by quarters, finds it necessary in some cases, in order to insure the payment to the state of the amount of such tax, to grant permission to make returns and file reports by the contract job instead of by quarterly periods. Such permission may be granted only where a contract is to be completely performed within six months. The retail sales and use tax division of this commission may grant, upon application of such contractors, permission to file use tax returns and remit the tax due on account of purchases made, as reported by said returns, for each and every job performed by such a lump-sum contractor instead of making use tax returns by quarterly periods. (See section 423.13.)

2. In cases where a contractor has obtained

permission to make returns and file reports by the job instead of by the quarterly periods, the use tax payable to the state of Iowa shall be due immediately upon the purchase of tangible personal property upon which the law imposes such a tax. The use tax so imposed shall become delinquent thirty days after the contract shall have been completely performed or immediately in case of insolvency or bankruptcy of the contractor. [Amended October 10, 1958]

**152 Payment of final estimate must be withheld.** The sponsor of a construction contractor, class "A", "B", "C" or "D", if the latter is a nonresident of Iowa, as defined in rule No. 150, shall not make payment of the final estimate due the contractor unless and until such sponsor shall have received a release from the retail sales and use tax division of this commission showing that the contractor performing such contract has paid all retail sales and use tax due to the state of Iowa and that all required forms, returns and reports have been made to this commission or the division of retail sales and use tax. [Amendment filed December 27, 1956]

**153 Liability of sponsors for retail sales and use tax due the state from general and special contractors.** A lien on personal property and rights to personal property is created by operation of law for retail sales and use taxes due the state of Iowa without the necessity of recording or the giving of any notice whatsoever.

**154 Money due a contractor is a right to property.** Money due a general or a special construction contractor is a right to personal property on which a lien attaches for any retail sales or use tax owing to the state.

**155 Sponsors are required to withhold payment.** Sponsors are required to withhold payment of the final estimate until the general or special construction contractor shall have secured a release from the retail sales and use tax division of this commission reciting that all required returns and reports have been made and that all taxes have been paid.

**156 Liability of sponsors who fail to withhold payment.** Sponsors who pay general and special construction contractors in full are liable to the state for the payment of any retail sales or use tax not collected from such a general or special construction contractor on which the law had imposed a lien in favor of the state.

**157 Release of sponsors.** Sponsors who withhold payment due the general or special contractors are released from any liability created by the lien laws of the state of Iowa when such a release in writing is secured from this commission.

**158 Taxes paid by general or special construction contractors received subject to audit.** A release to a sponsor does not operate as a

final release to the general construction contractor, special construction contractor or construction subcontractors as all tax accounts are released subject to an audit of the taxpayer at any future date.

**159 Liability of general construction contractors for retail sales and use tax due the state from subcontractors.** A lien on personal property and rights to personal property is created by operation of law without the necessity of recording or the giving of any notice whatsoever for retail sales and use taxes due the state.

**160 Money due a subcontractor is a right to the property.** Money due a subcontractor is a right to personal property on which a lien attaches for any retail sales or use tax owing to the state.

**161 General construction contractors required to withhold payment.** General construction contractors who pay subcontractors in full are liable to the state for the payment of any retail sales or use tax not collected from such subcontractor for the reason that such general contractor paid money to the subcontractor on which the law had imposed a lien in favor of the state.

**162 Release of general contractors.** General construction contractors who withheld payment due subcontractors are released from any liability created by the lien laws of the state of Iowa when such a release in writing is secured from this commission.

**163 Taxes paid by subcontractors received subject to audit.** A release to a general construction contractor does not operate as a final release of the subcontractor as all tax accounts are released subject to an audit of the taxpayer at any future date.

**164 Iowa construction contractors must file certain reports.**

1. Iowa construction contractors, who maintain a place of business in this state where complete records are kept concerning sales and use tax transactions, will not be required to file forms UT-527 and ST-43, concerning each construction contract in Iowa, unless specifically requested to do so by the commission or its department handling such matters.

2. However, Iowa construction contractors should file with the sales and use tax department form ST-42 whenever they sublet a construction subcontract to a nonresident subcontractor. This information should be submitted immediately the subcontract is let. The information shall include the name and out-of-state address of the subcontractor, the general nature of the work, the contract price and the date let, together with the name of the project where the subcontractor is to perform his contract.

3. The Iowa construction contractor shall file quarterly consumer's use tax returns, reporting and remitting any use tax due from

him concerning all of his activities in the state of Iowa during the quarterly period covered by the return.

4. If the Iowa contractor desires to report and remit the use tax on the job basis, permission must be secured from the commission or its department as provided in rule No. 151.

**165 Industrial materials and equipment not readily obtainable in Iowa are exempt to construction contractors under class "A", "B", "C" or "D".**

1. The use tax law under part "c" of subsection 1 of section 423.1, Code of Iowa, exempts from the use tax "industrial materials and equipment, which are not readily obtainable in Iowa, and which are directly used in the actual fabricating, compounding, manufacturing or servicing of tangible personal property intended to be sold ultimately at retail."

2. Construction contractors, including general, special and sub, under class "A", "B", "C" and "D", are consumers, under the provisions of Rule No. 138.7, of all tangible personal property which they purchase for use in completing construction contracts in Iowa. Therefore, such construction contractors are not "processors" within the meaning of the use tax law and would therefore not be exempt from use tax on any tangible personal property purchased by them outside the state of Iowa for use in completing such construction contracts in the state of Iowa, even though the item involved might be "not readily obtainable in Iowa." [Filed December 27, 1956]

**166 Rental equipment.** [Rescinded as of April 3, 1957] [Amended August 5, 1958]

**167 Contracts with federal, state or local governments.** A construction contractor performing a class "A", "B", "C" or "D" construction contract for the United States government, the state of Iowa, counties, towns, school districts or any other political subdivision of the state of Iowa is not exempt from the payment of either the retail sales or use tax. Therefore, a contractor performing such a contract for any of the above-mentioned governments or governmental subdivisions or agencies must make such reports and returns of either the retail sales or use tax as is required for contracts with private sponsors. [Filed December 27, 1956]

**168 A purchaser, who is a "processor" may be exempt from use tax when purchasing under a machinery or equipment sales contract with installation by the seller.**

1. A purchaser who purchases machinery or equipment to be installed by the seller may be exempt from use tax, provided the machinery or equipment is directly used in the actual fabricating, compounding, manufacturing or servicing of tangible personal property intended to be sold ultimately at retail, and provided the sales transaction is one in interstate commerce, thus coming within the scope

of the use tax law, and not coming within the scope of the retail sales tax law.

2. On the other hand, if the contract to furnish and install the machinery or equipment with installation by the seller is one in interstate commerce, then the purchaser is not exempt from the payment of sales tax to his supplier, inasmuch as the transaction comes within the scope of the retail sales tax law and no exemption exists in the retail sales tax law because the item sold at retail in Iowa is "not readily obtainable in Iowa." (See use tax rule 172 A.)

**168.1 Sales of building materials, supplies, equipment, etc. are at retail and taxable when sold to construction contractors, subcontractors, owners or builders.**

*Beginning January 1, 1957, sales to or purchases by construction contractors or subcontractors, of building materials, supplies or equipment for the erection of building or the alteration, repair or improvement of real property are subject to the sales tax or use tax, whichever applies, even though the class of construction contract being performed is "CLASS (D)" as described in rule No. 138.6. In other words, the rules of the commission shall be applied to construction contractor's or construction subcontractor's purchases, where a "CLASS (D)" contract is being fulfilled, in the same manner and to the same extent as though a Class "A", "B" or "C" contract was being fulfilled.*

Iowa suppliers selling such items to such constructors for such purposes shall bill and collect from them the sales tax and report and return same to the state.

Likewise, out-of-Iowa suppliers, who are required to collect *use tax* for the state, shall, when selling such items to such constructors for such purposes, bill and collect from such persons the Iowa use tax and return same to the state quarterly.

If a construction contractor or construction subcontractor (who does not hold a retail sales tax permit) purchases such items from an out of Iowa supplier who does not collect the Iowa tax, then such purchaser shall make a return (consumer's use tax return Form UT-510) directly to the state tax commission and remit the Iowa use tax thereon.

A person who is engaged exclusively in construction work as contractor or subcontractor is not required to hold a retail sales tax permit and such a permit should not be issued to such persons.

All such taxes on items hereinbefore mentioned shall be reported and paid *as indicated*, with the following exception, to wit: In some instances construction contractors or construction subcontractors are in a dual business, which includes substantial reselling on an "over the counter" basis the same type of building materials, supplies and equipment to others at retail in Iowa, as are used by them in their own construction work. We are in this rule referring to such persons as con-



tractor-retailer. Because of the retail business ("over the counter" sales) such contractor-retailer is required to apply for and hold a retail sales tax permit. For the efficient administration of the statute and to simplify the accounting procedure in reporting and paying the tax in such instances, it is hereby provided that such contractor-retailer will be permitted to purchase *all* construction materials, supplies and equipment (for both purposes) *tax-free*, only provided he holds a valid retail sales tax permit and certifies in writing to this fact to his supplier, describing the permit number of such permit and certifying to the resale of such merchandise. Such buyers shall furnish such certificates to their suppliers and the suppliers shall secure and maintain such certificates to support the noncollection and nonpayment of tax on such sales.

Purchases may be made, under the same circumstances, from out-of-Iowa suppliers, tax-free.

Of course, the contractor-retailer would then be required to report and return the tax on all the items (both construction and "over the counter") directly to the commission with his quarterly sales tax return on the basis of his cost as to items consumed by him in construction and on the basis of the selling price on "over the counter" items.

Tax must be paid by the contractor-retailer to his supplier, when purchasing *his own* tools, equipment, etc., or for his employees. [Filed December 27, 1956]

**169 When machinery or equipment sales contract with installation by seller is in interstate commerce and when in intrastate commerce.**

1. When a seller agrees to furnish and install machinery or equipment in Iowa and where the offer and acceptance take place within the state of Iowa, the transaction will be regarded as a local intrastate sale, the receipts therefrom being subject to retail sales tax, if the sale is at retail and not otherwise expressly exempted by the retail sales tax law.

2. When a seller contracts to furnish and install machinery or equipment in Iowa and the offer and acceptance take place outside the state of Iowa, but the property is located in the state of Iowa prior to the agreement to sell, then the contract will be considered one in intrastate commerce, the receipts from which are subject to retail sales tax, provided, the sale is at retail in Iowa and not otherwise expressly exempted by the provision of the retail sales tax law.

3. Where the seller contracts to furnish and install machinery or equipment in Iowa and the offer and acceptance take place outside the state of Iowa, but the title to the property does not pass to the buyer outside the state of Iowa, but passes to the buyer upon installation in Iowa by the seller, then the transaction shall be regarded as a sale in intrastate commerce, the receipts therefrom being subject to the retail sales tax law, if the sale is at

retail in Iowa and not otherwise expressly exempted by the provisions of the retail sales tax law.

4. Where the seller contracts to furnish and install machinery or equipment in Iowa and the offer and acceptance take place outside the state of Iowa and the title to the property passes to the buyer outside the state of Iowa, then the transaction will be regarded as a sale in interstate commerce and the receipts therefrom to be exempted from the retail sales tax law. On the other hand, this transaction will be regarded as one coming within the scope of the use tax law and the provisions of the use tax law and rules of the commission pertaining thereto shall apply.

**PART III**

**USE TAX**

**Rules Nos. 170 to 198, Inclusive**

**170** Applies to use tax only. **General statement concerning the application of the use tax law.** The use tax law imposes a tax on the purchaser for the privilege of using tangible personal property in the state of Iowa, where the property used in Iowa was not sold in Iowa subject to the sales tax law, with express exemptions. Generally speaking, this means that a person who purchases tangible personal property from out-of-state suppliers for "use" in Iowa and not for "resale" or "processing" is liable for the payment of use tax. The measure of the use tax is two percent of the purchase price.

The purchaser for "use" should pay the use tax to the seller, if the seller is registered with the commission and authorized to collect the use tax for the state. If the seller is not registered with the commission and authorized to collect the use tax for the state, the purchaser should remit the use tax directly to the commission.

The consumer's use tax return blank, Form UT-510, is the proper form for the purchaser to use in reporting and remitting the use tax directly to the commission, unless the purchaser happens to be the holder of a certificate of registration under the use tax law and files retailer's use tax returns, under which last instance the value of the property used or consumed may be shown and reported under Item 4 of the retailer's use tax return blank. Form UT-511.

Under the use tax law, a collection responsibility is placed upon all interstate sellers who sell tangible personal property for delivery in Iowa for "use" in Iowa, provided the seller maintains in the state directly or through subsidiary a warehouse, sales office, or distribution house, or other place of business, or has an agent operating in the state either temporarily or permanently. Such a seller is required to apply for (on Form UT-507) and hold a certificate of registration under the use tax law and file retailer's use tax returns (UT-511). Each registered seller is required to bill its Iowa customers for all use tax due, showing the use tax as a separate



item on the invoice and indicating thereon its registration number.

An exception from the general provisions hereinbefore stated is in the case of new motor vehicles and new trailers. The receipts from the sale at retail in Iowa of new motor vehicles and new trailers are expressly exempted from the sales tax. The law imposes use tax on new motor vehicles and trailers. The use tax law provides that county treasurers and the state motor vehicle department be charged with the responsibility of collecting two percent of the full purchase price of new motor vehicles and new trailers for "use" in Iowa as use tax, before issuing auto registration plates. The county treasurers and state motor vehicle department also collect use tax due where cars previously bearing foreign registration plates are registered for "use" in Iowa.

For further information as to the collection of use tax on motor vehicles and trailers, see Part IV, rules Nos. 199 to 234.

**171 Applies to use tax only. "Use" defined.** "Use" is defined in subsection 1 of section 423.1, Code of Iowa, 1946. In substance, a taxable use is the exercise of any right of ownership over tangible personal property in Iowa, by any person owning the property, except the right to sell the property in the regular course of business and the right to process or manufacture the property into another article of tangible personal property intended to be sold ultimately at retail, subject to exemptions.

"Processing" of property is defined by this section to include: Personal property which forms an integral or component part of the manufactured product which is intended to be sold ultimately at retail; that property which is consumed as fuel in creating power, heat or steam for processing or for generating electric current; that property which is used as industrial material and equipment (which does not form a component or integral part of the manufactured product) but which is *directly* used in the actual fabricating, compounding, manufacturing or servicing of tangible personal property intended to be sold ultimately at retail, provided such property is not readily obtainable in Iowa.

Persons who are using tangible personal property in the state of Iowa, within the meaning of "use," are expressly exempted from use tax if the property has been subjected to the Iowa retail sales tax law.

#### Section 423.1

**172 Applies to use tax only. Definitions. "Readily obtainable in Iowa"—"servicing of tangible personal property intended to be sold ultimately at retail."** An exemption from use tax is provided by part "c" of subsection 1 of section 6943.102, Code of Iowa, 1939, [§423.1, C.'50] which reads as follows: "industrial materials and equipment, which are not readily obtainable in Iowa, and which are directly used in the actual fabricating, compounding,

manufacturing or servicing of tangible personal property intended to be sold ultimately at retail."

Two questions in this part require interpretation. First, the words "not readily obtainable in Iowa" as used in the law.

Second, the words "servicing of tangible personal property intended to be sold ultimately at retail" as used in the law.

With respect to "not readily obtainable in Iowa," a similar exemption does not appear in the Iowa retail sales tax law. Therefore, an Iowa retailer making sales in the state of Iowa at retail is required to pay sales tax on such sales.

The commission holds that, where industrial materials and equipment of the same general classification are offered for sale in Iowa, such material and equipment cannot be considered "not readily obtainable in Iowa" and therefore would not be entitled to use tax exemption when purchased in interstate commerce from points outside the state.

Quantity available, price element, or purchaser's preference for a particular brand or manufacture are not proper factors in determining the "readily obtainable" question.

The personal property use tax law, in addition to being a revenue law, is intended to serve as a complementary statute to our retail sales tax law, thereby placing the Iowa retailer selling tangible personal property in this state on a fair competitive basis with the out-of-state seller making sales for delivery in Iowa, insofar as the excise tax is concerned. In determining the "readily obtainable" exemption of a given article, it should be ascertained whether or not similar property within the same general classification could be purchased from a distributor or retailer in Iowa, notwithstanding the fact that such property might be of a different brand or manufacture. Where similar equipment of a different brand or manufacture can be secured through distributors or retailers in Iowa all property within the same general classification is to be considered readily obtainable in Iowa and therefore not exempt from use tax.

The words "servicing of tangible personal property intended to be sold ultimately at retail" as used in this law, means something done to the property by a manufacturer or processor during the manufacturing state, which changes it and puts it in shape for distribution and sale.

This phrase does not mean anything done to the property manufactured, in connection with its distribution and sale after the property shall have been manufactured. It means some act done or performed on the property itself during the manufacturing process.

NOTE: (This rule 172 was a part of the 1942, 1945 and 1946 regulations.)

**172A Definitions. "Readily obtainable in Iowa"—"servicing of tangible personal property intended to be sold ultimately at retail."** Part "c" of subsection 1 of section 423.1, Code

of Iowa, 1950, which is a part of the use tax law, in part defines the term "use" and provides as follows:

"... industrial materials and equipment, which are not readily obtainable in Iowa, and which are directly used in the actual fabricating, compounding, manufacturing, or servicing of tangible personal property intended to be sold ultimately at retail" which, in effect, exempts from use tax such industrial materials and equipment so used."

The 1949 legislature amended the use tax law by enacting a law known as chapter 193, Acts of the 53rd General Assembly, section 2 (in part) and section 3 thereof being hereinafter set forth:

"Sec. 2. Amend section four hundred twenty-three point one (423.1), Code 1946, by adding at the end thereof the following:

"10. 'Readily obtainable in Iowa' shall mean kept in Iowa for sale or manufactured in Iowa for sale as distinguished from being obtainable by giving an order to an agent in Iowa for delivery from some point outside the state of Iowa.

"Sec. 3. The provisions of this Act shall be applicable hereafter beginning with the quarter ending June 30, 1949, and every return and payment for said quarter shall be under the provisions of this Act."

It is the commission's interpretation of the foregoing amendment, that an item is readily obtainable in Iowa, only:

a. When normally carried as a stock item in Iowa for sale, irrespective of quantities, or,

b. When the item is manufactured in Iowa for sale, irrespective of quantities, or,

c. When an item acquired outside of Iowa, but not stocked or manufactured in Iowa, is fairly and reasonably competitive to an item which is stocked in Iowa for sale or manufactured in Iowa for sale.

Whether an item is fairly or reasonably competitive with an outside item is a fact question to be determined from time to time as the occasion arises. Price element is not to be considered as a factor in determining whether or not an item is readily obtainable in Iowa.

It is here pointed out that an item "not readily obtainable in Iowa" is not exempt from use tax for that reason alone but at the same time must be an item which falls within the category of "industrial materials and equipment, which are *directly* used in the *actual* fabricating, compounding, manufacturing or servicing of tangible personal property intended to be sold ultimately at retail." In other words the "not readily obtainable in Iowa" item must be *directly* used in processing tangible personal property intended to be sold ultimately at retail as the term is defined in the statute, to be free from tax.

However, due to the provisions of a different section of the use tax law (subsection 5 of section 423.4) there is exempt from use tax:

"Tangible personal property not readily ob-

tainable in Iowa and used in the operation of street railways" (which means and includes urban transportation systems). (See paragraph 11 of section 2, chapter 193, Acts of 53rd General Assembly.)

"Servicing of tangible personal property intended to be sold ultimately at retail", as used in this law, means something done to the property by the manufacturer or processor during the manufacturing process, which changes it and puts it in shape for distribution and sale. This phrase does not mean anything done to the property manufactured in connection with its storage, distribution and sale after the property shall have been manufactured.

This rule 172A replaces and modifies rule 172 as found in the pamphlet of regulations issued by the commission as of August 17, 1945, and any modifications or changes herein inconsistent with rule 172 shall be effective as of April, 1949. The commission's rule of June 15, 1949, pertaining to this subject is hereby rescinded.

The provisions of this rule 172A have application only to transactions coming within the scope of the use tax law and have no application to transactions coming within the scope of the retail sales tax law.

The foregoing rule 172A is hereby adopted this fifteenth day of February, 1950. [Amended August 5, 1958]

**173 Applies to use tax only. Use tax law became effective in Iowa April 16, 1937.** Persons who "use" tangible personal property in the state of Iowa who purchased such property on or after April 16, 1937, are liable for the payment of use tax on the same, unless expressly exempted. Persons who "use" tangible personal property in the state of Iowa which they have purchased prior to April 16, 1937, are not liable for the payment of use tax.

Section 423.2, section 423.3

**174 Applies to use tax only. Measure of the use tax.** The measure of the use tax is two percent of the purchase price.

Purchase price means the total amount for which tangible personal property is sold, valued in money, whether paid in money or otherwise; provided that cash discounts allowed and taken on sales shall not be included.

Where a manufacturer used tangible personal property in this state, fabricated or manufactured by the manufacturer outside the state, the measure of use tax shall be two percent of the manufacturer's cost of production.

Section 423.1

**175 Applies to use tax only. Consumer's use tax return.** A person who purchases tangible personal property from out-of-state sources for use in Iowa subject to the use tax law is liable for the payment of the use tax and is required to file a consumer's use tax return, Form UT-510, with the commission, reporting and remitting use tax on all property which has been delivered into Iowa during the quarterly period covered by the return unless

the seller from whom he made the purchase is registered with the commission and authorized to collect the use tax for the state. Under the last circumstances the use tax should be paid by the purchaser to the registered seller, which seller in turn forwards the use tax to the commission quarterly.

The purchaser may ascertain when the seller is registered and authorized to collect the use tax for the state by inspecting the billing or invoice, inasmuch as the registered seller is required to show the Iowa use tax separately on the invoice together with his Iowa registration number.

The use tax imposes at the time the tangible personal property comes to rest in this state and is required to be reported at the close of that quarterly period during which it comes to rest. The measure of the use tax is two percent of the full purchase price, valued in money, whether paid for in money or otherwise. This means that where property is traded in as part consideration of the purchase price, the tax shall be computed on the full selling price before any amount is deducted for property traded in.

The quarterly periods for the year end on March 31, June 30, September 30, and December 31. A full month is allowed after the close of each quarterly period in which to file a consumer's use tax return before becoming delinquent. Penalties are imposed if the tax is not paid before the last day of the month following the close of each quarterly period.

For the convenience of those persons who regularly purchase tangible personal property outside the state subject to the use tax, the commission places such names upon its permanent mailing list, at the request of the taxpayer, in order that the taxpayer may receive a consumer's use tax return blank at the close of each quarterly period.

Those persons who may only occasionally purchase tangible personal property outside the state, concerning which use tax would be due, and who do not wish to be placed on the mailing list for the reception of a consumer's use tax return blank at the close of each quarterly period will be required to make a special request for such blanks when tax is due. The request may be made to the commission at Des Moines or to any of the commission's field agents. [Amended October 10, 1958]

See UT Form No. 510 in section V.

**176 Applies to use tax only. Purchases made on a conditional sales basis.** When a person is making a return of purchase made on a conditional sales contract and there remains an unpaid balance thereon, such return shall include tax computed at the rate of two percent on the full purchase price of such property notwithstanding the fact that there is an unpaid balance.

**177 Applies to use tax only. Exemptions.** Chapter 423, Code of Iowa, known as the use tax law, contains the following exemptions:

See section 423.4

**177.1 Applies to use tax only. Exemption of tangible personal property in interstate transportation or interstate commerce.** [Rescinded on June 30, 1952]

**177.2 Purchases by pipeline companies.** [Rescinded on June 30, 1952]

**177.3 Purchases by radio broadcasters—video telecasters.** [Rescinded on June 30, 1952]

**178 Applies to use tax only. Sales tax or use tax paid to another state.** Section 423.25, Code of Iowa, 1946, provides that where an article of tangible personal property has been subjected to tax with respect to its sale or its use by another state equal to the amount of tax imposed by the Iowa use tax law, no further tax shall be due the state of Iowa with respect to the use of that property in this state by the person who has paid said tax to another state.

If the amount of tax paid by a person to another state on a given article of tangible personal property is less than the amount of tax imposed by the Iowa use tax law, the tax shall be due the state of Iowa in the amount of the difference of tax so paid to the foreign state and the tax due under the Iowa law.

Persons claiming exemption from payment of use tax on the grounds that they have paid tax to another state with respect to the sale or use of the property in question must prove to the satisfaction of the commission, the county treasurer, or the state motor vehicle department that such tax has been paid.

Section 423.25.

**179 Applies to use tax only. Persons having books or other tangible personal property belonging to them repaired by repairmen located outside the state of Iowa.** Persons who own tangible personal property in the state of Iowa and who send such property or cause such property to be sent outside the state for the purpose of having it repaired, reconditioned, or altered, and where the repairman uses tangible personal property in connection with the repair thereof, the owner will be liable for the payment of use tax measured by two percent of the full charge made for the repair service, unless the out-of-state repairman bills such person as separate items the charges made for labor and those made for material furnished, in which last instance the tax may be computed on two percent of the charge made for the tangible personal property furnished by the repairman.

**180 Interstate commerce. 1. Goods coming into this state.**

When tangible personal property is purchased in *interstate commerce* for use or consumption in this state and (1) the seller is

engaged in the business of selling such tangible personal property in this state for use or consumption and (2) delivery is made in this state, such sale is subject to the use tax law. Such sale is taxable regardless of the fact that the purchaser's order may specify that the goods are to be manufactured or procured by the seller at a point outside this state and shipped directly to the purchaser from the point of origin, and the seller is required to report all such transactions and collect and remit to this state the use tax on all taxable purchases.

If the conditions above are met it is immaterial (1) that the contract of sale is closed by acceptance outside the state or (2) that the contract is made before the property is brought into the state.

Delivery is held to have taken place in this state (1) when physical possession of the tangible personal property is actually transferred to the buyer within this state or (2) when the tangible personal property is placed in the mails at a point outside this state directed to the buyer in this state or placed on board a carrier at a point outside this state (or otherwise) and directed to the buyer in this state.

Engaging in business in this state shall include any of the following methods of transacting business: Maintaining directly, indirectly or through a subsidiary, an office, distribution house, sales house, warehouse or other place of business or by having an agent, salesman or solicitor operating within the state under the authority of the seller or its subsidiary irrespective of whether such place of business, agent, salesman or solicitor is located in this state permanently or temporarily or whether such seller or subsidiary is qualified "to do business in this state."

2. Goods shipped from this state.

When tangible personal property is sold within the state and the seller is obligated to deliver it to a point outside of the state or to deliver it to a carrier or to the mails for transportation to a point outside the state, the retail sales tax or use tax does not apply, provided that the property is not returned to a point within the state. The most acceptable proof of transportation outside the state will be:

- a. A waybill or bill of lading made out to the seller's order and calling for delivery; or
- b. An insurance receipt or registry issued by the United States postal department, or a post-office department receipt Form 3817; or
- c. A trip sheet signed by the seller's delivery agent and showing the signature and address of the person outside this state who received the goods delivered.

However, where tangible personal property pursuant to a sale is delivered in this state to the buyer or to an agent of his, the retail sales tax applies notwithstanding that the buyer may subsequently transport the proper-

ty out of the state. [Amended August 10, 1962]  
See rule No. 55.

**181 Applies to use tax only. Interstate vendors—registration and billing of tax.** Each "retailer maintaining a place of business in this state" as defined in subsection 6 of section 423.1, Code of Iowa, shall, before collecting the use tax required to be collected, make application to the commission for a certificate of registration upon Form UT-507-A, to be provided by the commission. Each certificate of registration issued bears an individual number, the number appearing immediately above the registrant's name on the certificate. The holder of the certificate shall bill the use tax due as a separate item on the billing or invoice to the purchaser for "use" in Iowa and indicate thereon his registration number. This evidence in the hands of the purchaser who remits use tax to the registered seller shall constitute such purchaser's receipts for the tax having been so paid. The billing shall be in substantially the form as shown hereafter:

MERCHANDISE	\$.....
2% IOWA USE TAX	\$.....
IOWA REGISTRATION NO.	.....

See form "certificate of registration" in section V.

Section 423.9.

**182 Interstate vendor's application for certificate.** The interstate vendor's application for certificate of registration under the use tax law shall show the name of the person to whom the certificate is to be issued; the address of the location from which the returns thereunder are to be filed; the names and addresses of the officers in the case of a corporation; the names of all partners in the case of a partnership; the name of the owner in the case of an individual ownership; the date when the applicant (as "retailer maintaining a place of business in this state") began selling tangible personal property in interstate commerce for delivery in Iowa for "use" in Iowa subject to the use tax law; the names and addresses of all offices, warehouses, or other places of business in Iowa either owned or controlled by the applicant or its subsidiary; the names and addresses of all agents of the applicant operating in the state either temporarily or permanently; the names and addresses of all out-of-state locations from which tangible personal property will be delivered into Iowa for "use" in Iowa from which billing for the merchandise will be made.

It will not be necessary that more than one certificate be held in order to report and remit all use tax due, even though shipment and billings may be made from several out-of-state locations. However, if desired, the commission, when practicable, will issue more than one certificate of registration to the same person for separate out-of-state locations.

Section 423.9.

**183 Applies to use tax only. Registered retailers required to collect all use tax due on**

all tangible personal property sold for delivery in Iowa. Each retailer registered with the commission under the provisions of section 423.9 of the use tax law and each retailer registered and authorized to collect the use tax under the provisions of section 423.10 of the use tax law shall collect from his customer and remit to the commission all use tax due on all tangible personal property sold for delivery in Iowa by the retailer, unless the commission shall expressly authorize the retailer to do otherwise.

Section 423.5.

**183.1** Applies to use tax only. **Vendors, authorized or required to collect Iowa use tax for the state, when selling tangible personal property to railroads for use in Iowa.** With respect to railroads operating in Iowa who also operate in states other than Iowa, the Iowa state tax commission hereby authorizes and requires these to report and remit all use tax due the state of Iowa directly to the state on a quarterly basis, as provided by law, rather than through registered retailers authorized and required to collect use tax for the state.

A specific written authorization will be issued by the use tax division with proper numerical designation to railroads who are operating in other states, as well as Iowa, and a photostatic copy of same shall be furnished to its vendors by each concerned railroad to whom such an authorization has been issued, when it purchases from vendors collecting Iowa use tax. The collecting vendor shall retain said authorization copy as a part of its records and shall then omit the billing and collection of Iowa use tax from such accounts, so long as the authorization is effective.

However, each registered retailer shall attach to each of its retailers use tax returns to Iowa, a schedule listing the amount of sales in dollars and the authorization number of those railroads to whom it sold and from whom it did not collect and remit the Iowa use tax.

These authorizations and the above-described handling shall have no application to sales made subject to the Iowa retail sales tax law, where the seller must return and remit the due sales tax directly to the state.

The right is reserved to cancel these authorizations upon reasonable notice.

The provisions of this rule shall be effective as of January 1, 1962. [Filed and indexed January 10, 1962]

*Note:* Commission's Code section references required by chapter 60 Acts of the Fifty-ninth General Assembly of Iowa and chapter 17A of Code of 1958 as amended.

Section 423.6 (3)

Section 423.10 (lines 20, 21 and 22)

Section 423.13

Section 423.14 (lines 1-12)

Section 423.23 (422.61 (1))

**184** Applies to use tax only. **Retailer's use tax returns.** Retailer's use tax return blanks, Form UT-511, are furnished to each holder of a certificate of registration at the close of each quarterly period consisting of three months, for the taxpayer's use in reporting and remitting use tax due for the preceding quarterly period. The quarterly periods for the year end on March 31, June 30, September 30, and December 31. The full month which next follows the quarterly period is allowed in which to file returns and remit tax without becoming delinquent, unless the commission shall otherwise provide.

Retailer's use tax return blanks are not furnished to persons who do not hold a certificate of registration under the use tax law, for the purpose of filing with the commission. Registration is necessary before retailer's use tax return blanks for filing are furnished.

If the certificate holder uses or consumes tangible personal property in the state of Iowa subject to the use tax law, the value of such purchases made during a given quarterly period should be included under Item 4 of return blank UT-511.

If the certificate holder delivers property from more than one out-of-state location from which separate bills are made, return Form UT-512 shall be filed with Form UT-511, showing the amount of taxable sales made from each respective location.

The holder of a certificate of registration under the use tax law shall file a return for each quarterly period, irrespective of whether or not tax may be due. In case no tax is due during a given quarterly period, proper memoranda should be noted on the return, same executed and filed. [Amended August 5, 1958]

See Form UT-511 and UT-512 in section V. Section 423.13.

**185** Applies to use tax only. **Cancellation of certificate of registration.** Immediately the holder of a certificate of registration terminates his selling activities or when his liability for reporting and remitting use tax concerning sales made in interstate commerce has ceased, such person shall notify the commission and secure Form UT-517 for the purpose of requesting cancellation of the certificate of registration.

See Form UT-517 in section V.

**186** Applies to use tax only. **Bracket system to be used by registered vendors.** Sellers registered with the commission and authorized to collect the use tax for the state may use the bracket system disclosed in rule No. 18 which was adopted under the provisions of the Iowa retail sales tax law, where registered vendors have occasion to sell tangible personal property, the purchase price of which is less than one dollar.

The registered seller is required to remit to the commission two percent of the purchase price of all taxable property sold for "use" in Iowa.

See rule No. 18.

187 Applies to use tax only. Certificates of resale—processing.

1. Chapter 423, Code of Iowa, defines, subsection 1 of section 423.1, the word "use" as meaning and including "the exercise by any person of any right or power over tangible personal property incident to the ownership of that property, except that it shall not include processing, or the sale of that property in the regular course of business."

2. Sale in the regular course of business means the resale of the tangible, personal property purchased, either by a wholesaler who is regularly engaged in selling such property (but does not sell at retail to final consumers), or by a retailer who regularly sells such property at retail (to final consumers).

3. Persons selling at wholesale in Iowa but who do not sell at retail (to final consumers) are not required to hold retail sales tax permits.

4. Persons regularly engaged in selling at retail (to final consumers) in Iowa (intrastate sales) are required to hold retail sales tax permits.

5. In the use tax law, the term "used in processing" is classified into three parts, namely: (a) Raw materials which are purchased by an Iowa processor and which by means of fabrication, compounding, manufacturing, or germination, become an integral part of other tangible personal property intended to be sold ultimately at retail; (b) fuel which is consumed in creating power, heat or steam for processing or for generating electric current; (c) industrial materials and equipment (which do not form an integral or component part of other tangible personal property intended to be sold ultimately at retail) which are directly used in the actual fabricating, compounding, manufacturing, or servicing of tangible personal property intended to be sold ultimately at retail, provided such property is not readily obtainable in Iowa.

6. Section 423.5, Code of Iowa, provides that where tangible personal property is sold in interstate commerce for delivery in Iowa, it is presumed that the property is sold for "use" in Iowa and the registered seller is required to collect the use tax from the purchaser. In event the tangible personal property sold for delivery in Iowa is not sold for "use" in Iowa and, therefore, not subject to the use tax, the seller is required to secure from the purchaser a proper written certificate showing the use to be made of the property.

7. Where tangible personal property is sold for delivery in Iowa but is actually sold for "resale" and/or "processing" within the meaning of the use tax law (and, therefore, exempt from the use tax), the seller shall secure from the purchaser a proper written certificate before omitting the billing and collection of the Iowa use tax. For the purpose of uniformity, the certain forms of certificate are suggested. While no rigid form of certificate is prescribed,

the substance of the suggested forms should be contained in the certificate taken.

8. Where the registered seller repeatedly sells the same type of property to the same Iowa customer for "resale" and/or "processing," the seller may, at his risk, take a blanket certificate covering more than one transaction.

For sales tax certificate, see rule 24.

UT-1 CERTIFICATE OF RE SALE (By retailer)

The undersigned hereby certifies that the tangible personal property purchased from ... is for the

(Name and Address of Seller)

purpose of resale; that the undersigned holds Retail Sales Tax Permit No. .... and will account to the Iowa State Tax Commission for any sales tax due as a result of the sale of this property.

..... Address of Purchaser Signature of Purchaser

UT-2 CERTIFICATE OF RE SALE (By wholesaler)

The undersigned hereby certifies that the tangible personal property purchased from ... is for the

(Name and Address of Seller)

purpose of resale; that the undersigned is solely engaged in selling tangible personal property at wholesale and does not sell to final consumers, and therefore, does not hold a Retail Sales Tax Permit.

..... Address of Purchaser Signature of Purchaser

UT-3 CERTIFICATE OF PROCESSING (By processor selling at retail) (Component part material)

The undersigned hereby certifies that the tangible personal property purchased from... is to be used

(Name and Address of Seller)

in the fabricating, compounding, manufacturing, or germination of other tangible personal property intended to be sold ultimately at retail, and that said property will form an integral part of the property sold; that the undersigned holds Retail Sales Tax Permit No. ....

..... Address of Purchaser Signature of Purchaser

UT-4 CERTIFICATE OF PROCESSING (By processor not selling to final consumer) (Component part material)

The undersigned hereby certifies that the tangible personal property purchased from... is to be used

(Name and Address of Seller)

in the fabricating, compounding, manufacturing, or germination of other tangible personal property intended to be sold ultimately at retail and that said property will form an integral part of the property sold; that the undersigned is not engaged in selling tangible personal property at retail in Iowa and, therefore, does not hold a Retail Sales Tax Permit.

..... Address of Purchaser Signature of Purchaser

UT-5 CERTIFICATE OF PROCESSING (Industrial materials and equipment) (Not component part material)

The undersigned hereby certifies that the tangible personal property purchased from... is to be used

(Name and Address of Seller)

as industrial materials and/or equipment; that said property will not form an integral or component part of other tangible personal property intended to be sold ultimately at retail, but that said property will be directly used by the undersigned in the actual fabricating, compounding, manufacturing or servicing of tangible personal property intended to be sold ultimately at retail; that said property, or similar property for use for a similar purpose, is not readily obtainable in Iowa; that the undersigned is engaged in the business of ....

Description of Purchaser's Business

Address of Purchaser

Signature of Purchaser

**188** Applies to use tax only. **Registered retailers selling tangible personal property on a conditional sales contract basis.** Retailers registered with the commission and authorized to collect the use tax for the state when selling tangible personal property for delivery in Iowa for "use" in Iowa on a conditional sales contract basis, where the payment of the principal sum or a part thereof is extended over a period longer than sixty days, may collect from the consumer and report to the commission the use tax on those payments due during the quarterly period covered by the return, provided the retailer carries on his return as a deduction, the outstanding unpaid balance of conditional sales contracts for which he has not remitted the use tax.

It is pointed out that the law provides that the retailer may report on a collection basis; however, at his option, the retailer may also report and remit on a total sales basis, in which case he is entitled to bill his customers and collect therefrom the use tax computed on the full purchase price as a part of the first installment, under which circumstances the retailer must report and remit to the commission the full amount of the tax computed on the full selling price in the return for the quarterly period during which the sale and delivery was made.

Section 423.13.

**189** Applies to use tax only. **Trade-ins may not be deducted before computing the amount of tax. Trade-ins subject to use tax when sold in interstate commerce for "use" in Iowa.** When property is traded in as part payment of the purchase price of other tangible personal property, the amount allowed for the trade-in shall not be deducted from the amount on which the use tax is computed. The use tax is computed on the full purchase price before any amount allowed for trade-in is deducted.

Where tangible personal property is accepted as part payment concerning the sale of other tangible personal property made in interstate commerce for delivery in Iowa for "use" in Iowa, the traded-in property is sub-

ject to use tax if and when it is sold in interstate commerce for delivery in Iowa for "use" in Iowa.

**190** Applies to use tax only. **Sellers of subscriptions to magazines and periodicals.** Sellers of subscriptions to magazines and periodicals who solicit such subscriptions in Iowa as sales agents or representatives are deemed to be retailers and are required to procure a retail sales tax permit and pay sales tax on all orders procured, unless the person for whom sales are being made is a permittee under the provisions of the sales tax law or is legally registered with the commission to collect and pay use tax.

**191** Applies to use tax only. **Purchases by telephone companies.** [Rescinded on June 30, 1952]

**192** Applies to use tax only. **Purchases by federal government—state of Iowa—political subdivisions of the state, including counties, cities, towns, school districts, etc.** The state of Iowa and state institutions as well as the federal government and federal institutions are not required to pay the use tax when purchasing tangible personal property directly for use in Iowa.

Also, all tax certifying or tax levying bodies of Iowa or governmental subdivisions thereof are, beginning July 4, 1953, exempted from sales tax or use tax concerning all purchases used for public purposes, EXCEPT purchases used by or in connection with the operation of any municipally-owned public utility, engaged in selling gas, electricity or heat to the general public, the latter being subject to tax on the same basis and subject to the same rules as such a business would be if privately operated.

Beginning with sales of tangible personal property made on and after July 1, 1947, vendors registered to collect use tax shall omit the billing and collection of Iowa use tax when selling to ANY TAX CERTIFYING OR TAX LEVYING BODY OF IOWA OR ANY GOVERNMENTAL SUBDIVISION thereof.

This has no application to retail sales tax, in the event sales are made subject to the retail sales tax law, but applies to USE TAX only.

Listed below are TAX CERTIFYING OR TAX LEVYING BODIES OF IOWA AND GOVERNMENTAL SUBDIVISIONS, for the purpose of explanation and which may not be all-inclusive:

Counties	Rural independent
Cities	school districts
Towns	County and municipal
Townships	hospitals
Township schools	Public libraries
Public schools	Consolidated school
Independent school districts	districts

Municipally-owned utilities will remit use tax due directly to the commission. [Amendment filed August 19, 1954]

See rules 50.1 and 192.1.

**192.1** Consumers purchasing from the federal government or any of its agencies subject



to use tax. Consumers purchasing tangible personal property, for "use" in Iowa, from the federal government or any of its agencies, on or after April 12, 1945, are liable for the payment of Iowa use tax.

The exception from the foregoing is as follows:

1. Purchases by counties or municipal corporations, from the federal government or any of its agencies, where the tangible personal property purchased is located in the state of Iowa at the time of purchase, are not subject to the use tax.

2. Consumers purchasing from the federal government or any of its agencies, industrial materials and equipment which are ordinarily not readily obtainable in Iowa from other sources, are exempted from the use tax when such industrial materials and equipment are directly used in the actual fabricating, compounding, manufacturing or servicing of tangible personal property intended to be sold ultimately at retail.

Since April 16, 1937, persons, including counties and municipal corporations, purchasing tangible personal property from the federal government or any of its agencies, for "use" in Iowa, which property was located outside the state of Iowa at the time of purchase, were liable for its payment of use tax and are still subject to use tax on such purchases so made.

Section 422.44, section 423.3.

**193** Applies to use tax only. **Penalties for late filing of use tax returns.** Use tax returns are required to be filed on or before the last day of the month following the close of the quarterly period for which the return is filed.

If the return is filed after the last day of the month following the close of the quarterly period, five percent of the net tax is imposed as penalty for late filing. For each additional month of delay, one percent is added to the five percent penalty for the first month. [Amended August 5, 1958]

Section 423.18.

**194** Applies to use tax only. **Registered vendors repossessing goods sold on conditional sale contract basis.** Where a retailer, who is registered with the commission and authorized to collect the use tax for the state, repossesses tangible personal property which has been sold on a conditional sales contract basis concerning which the retailer has remitted use tax to the commission on the full purchase price, the retailer may take a deduction on his retailer's use tax return during the quarterly period in which the goods were repossessed in an amount equal to the credit allowed to the purchaser's account for the goods returned, provided the retailer returns to the purchaser the use tax at the rate of two percent of the unpaid balance. If the purchaser does not claim use tax from the registered seller on the unpaid balance and the registered seller does not return to the purchaser the use tax on the

unpaid balance, the registered seller may not take a deduction on his retailer's use tax return for the returned goods.

**195** Applies to use tax only. **Fuel which is consumed in creating power, heat, or steam for processing or for generating electric current.** Tangible personal property purchased outside the state and consumed in creating power, heat, or steam for processing of tangible personal property intended to be sold ultimately at retail or for generating electric current, is exempt from use tax by the provisions of section 423.1, Code of Iowa, 1950. If the property purchased to be consumed as fuel in creating power, heat, or steam for processing is also used in the heating of the factory or office or for ventilating the building or for lighting the premises or for any use other than that of direct processing, that portion of the property so used is subject to the use tax, and that part of the property directly used in the processing is exempt from use tax.

The purchaser when buying tangible personal property part of which is exempt as fuel under the provisions of the law should, when purchasing from an out-of-state seller registered and authorized to collect the use tax for the state, furnish to such registered seller a written certificate certifying as to the value of the property which is to be used for processing and therefore exempt, and also the value of the property which is not to be used in processing and is therefore taxable, in order that the registered seller may properly bill the amount of use tax due.

See also rule No. 25.

Section 423.1.

**196** Applies to use tax only. **Federal manufacturers' or retailers' excise taxes may be excluded from the amount on which the use tax is computed, upon certain conditions.** The manufacturer who manufactures tangible personal property and who pays a federal manufacturers excise tax to the federal government with respect to the sale of that property may, when selling directly to users or consumers in the state of Iowa, exclude the amount of federal tax when computing the Iowa use tax, provided the federal excise tax is set out separately on the billing or invoice to the consumer customer.

The dealer who buys tangible personal property from a manufacturer, which manufacturer has paid a federal manufacturers excise tax concerning the sale to the dealer, may not exclude the federal manufacturers' excise tax from the amount on which the use tax is computed even though the dealer purchasing for resale from the manufacturer and selling to the consumer should show the manufacturers excise tax separately on the billing to his consumer customer. The federal manufacturers excise tax is a part of the dealer's cost of merchandise and is lost when the dealer fixes his selling price to the consumer.

Persons selling furs, jewelry, and toilet prep-



arations to consumers in Iowa in connection with which sales they are required to pay a federal retailers excise tax may exclude the amount of federal retailers tax before the Iowa use tax is computed, provided the federal retailers excise tax is separately shown on the billing to the consumer customer and proper records are maintained.

**197 Applies to use tax only. Claim for refund of use tax.** Claims for refund of use tax must be made upon forms provided by the commission for such purposes (Form UT-513). Each claim for refund shall be filed in duplicate with the commission, fully executed and clearly stating the facts and reasons upon which the claim for refund is based and sworn to in the presence of a notary public or clerk of district court.

The use tax will be refunded only to those persons who have remitted the tax directly to the commission except use tax having been paid to the county treasurer or to the state motor vehicle department with respect to motor vehicles will be refunded, upon proper showing, directly to the person paying the tax to the county treasurer or state motor vehicle department.

Section 423.23, of the Code, which is a part of the use tax law, incorporates by reference section 422.66, Code of Iowa, which provides as follows:

See Form UT-513 in section V.

Section 422.66.

**198 Out-of-state dental laboratories.** Out-of-state dental laboratories registered with the commission for the collection of the use tax may, when furnishing "repair work" to Iowa dentists, remit the use tax on the same basis as does the Iowa dental laboratory under the provisions of rule No. 131.

#### PART IV

##### COLLECTION OF USE TAX

By County Treasurers and by the State  
Motor Vehicle Department on Motor  
Vehicles and Trailers

Rules No. 199 to 234, inclusive

**199 Applies to use tax only. Use tax on motor vehicles.** Imposition of use tax, see Code section 423.2. Also see Code section 423.7.

From the law [section 423.7] it is clear that it is the duty of the county treasurer to collect the use tax on automobiles, trucks and trailers when first registered in the state of Iowa. County treasurers should not accept affidavits of exemption unless the claim of exemption is clearly within the provisions of one of the exemptions set forth on affidavit forms UT-503, UT-503A, UT-515 or UT-626A, except as hereinafter provided. [Amended August 5, 1958]

**200 Used vehicles.** Code section 423.7 refers to new motor vehicles and new trailers. Authority for the collection of use tax on used motor vehicles and trailers by the county

treasurer is found in this rule and subsection five of section 422.64.

By virtue of the authority granted in the above subsection, the commission does hereby authorize and direct county treasurers to collect use tax upon each used motor vehicle and used trailer registered in Iowa for the first time unless such vehicles come within exemptions mentioned herein.

Section 422.64 is made a part of the use tax law by reference thereto in section 423.23.

**200.1 Bicycles with attached motors.** Where a motor on which the tax has been paid is attached to a bicycle on which the tax has been paid and the resultant motor vehicle is registered with the treasurer as required by law, such motor vehicle shall be exempt from tax. Therefore, the applicant for registration should prepare an affidavit stating the facts and file that affidavit with the county treasurer, or in the event the county treasurer has required the applicant for registration to pay the tax, then a claim for refund should be made stating the correct facts of the case.

**201 Applies to use tax only. County treasurers' monthly reports.**

The law, Code section 423.7, provides that county treasurers shall collect use tax on new motor vehicles and new trailers before such motor vehicles or trailers shall be registered by the county treasurer, said section also provides that the county treasurer shall on or before the tenth day of each month remit the tax collected to the commission.

The county treasurer shall make reports on forms furnished by the commission and such reports shall be made as follows:

On page 1 of the county treasurer's monthly report of use tax collections and exemptions, shall be listed each new or used motor vehicle for which registration was issued and which has been exempt from use tax by reason of an affidavit accepted by the county treasurer. In addition thereto, motor vehicles purchased outside the state of Iowa, where the purchase price has been established by the execution of affidavit number UT-515, shall be listed. The tax shall be reported and remitted for each motor vehicle registered where the tax applies. In each case where the tax does not apply, the original affidavit made by the purchaser must accompany the county treasurer's monthly report to explain the exemption.

Code section 423.7 provides that the use tax report shall be forwarded on or before the tenth day of the month following the month in which the tax was collected.

Each motor vehicle and trailer, whether new or used, which is registered for the first time in Iowa, and each motor vehicle and each trailer registered or purchased in a state other than Iowa the year preceding its registration in this state, is taxable, provided such a motor vehicle or trailer was purchased by the applicant on or after the sixteenth day of April,

1937. Use tax must be collected before the county treasurer issues registration plates, unless a legal reason for exemption from payment of the use tax is shown to exist. No exemption from use tax shall be allowed unless the applicant clearly proves the right to such an exemption. The burden of proof is on the applicant.

Whenever a legal reason for exemption from use tax is proven, such exemption must be claimed and verified by a return of information in the form of an affidavit which states the facts on which claimant relies for such exemption. Each affidavit must be in duplicate, the original copy thereof being forwarded to the commission with the county treasurer's monthly report; the duplicate shall be retained by the county treasurer for his files.

Section 423.6, section 423.7.

**202 Applies to use tax only. Rate of use tax.** Use tax is imposed at the rate of two percent of the total delivered price of the motor vehicle or trailer. The total delivered price shall include freight and manufacturer's tax as well as all additional accessories, such as radios, heaters and other equipment delivered with the motor vehicle or trailer. Trade-in allowance cannot be deducted when a used car is traded in as part payment. Provided, however, that gasoline furnished with the power vehicle shall not be included in the total delivered price. Where gasoline is billed separately or itemized separately on the bill to the purchaser, it may be excluded from the memorandum of sale required to be furnished to the county treasurer in the case of the sale of a new motor vehicle.

**203 Applies to use tax only. Total delivered price taxable.** Where a motor vehicle or trailer is sold by an Iowa dealer, the total delivered price shall be established by a memorandum of sale executed by the Iowa dealer. Where a motor vehicle is purchased from a dealer or other person outside this state, the purchase price must be established in every case by the applicant's return of information or affidavit form number UT-515.

The exclusion provided for in rule No. 202 shall apply to this rule.

**204 Applies to use tax only. Claim for refund of use tax.** No claim for refunds will be considered by this commission unless such claim is accompanied by verification, on a form provided by this commission, from the county treasurer in whose office the motor vehicle was registered.

**205 Applies to use tax only. Automobile dealers defined.** Dealers shall include only persons who are holders of a retail sales tax permit and are also licensed automobile dealers. Where a dealer files an affidavit of exemption from use tax, the sales tax permit number of the dealer must be shown on each affidavit except in the case of a finance company holding a retail sales tax permit to sell

repossessed cars to individuals, in which case the finance company is not required to be a holder of a dealer's license. (Modified by use tax rule No. 235.)

**206 Applies to use tax only. Automobile dealers' exemption.** Exemptions provided for dealers apply only in cases where registration is applied for in the name of the dealer holding a retail sales tax permit. Such an exemption is not allowable where members of the firm, salesmen or other persons connected with the firm register vehicles in their own individual names. (Modified by use tax rule No. 235.)

**207 Applies to use tax only. Finance companies.** Where a finance company repossesses a motor vehicle or trailer registered in a state other than Iowa, it may register such vehicle without payment of use tax by signing affidavit form number UT-626 referring to that portion of the affidavit which claims exemption by reason of the fact that the vehicle is being registered solely for the purpose of resale. Retail sales tax shall be collected by the finance company when the vehicle is sold. (Modified by use tax rule No. 235.)

**208 Applies to use tax only. Sales tax permit required.** Finance companies selling repossessed vehicles to consumers are required to hold a retail sales tax permit, their permit number showing on the affidavit.

**209 Selling repossessed vehicles at wholesale.** Where finance companies dispose of repossessed vehicles at wholesale, that is, where such vehicles are sold to dealers, exemption must be claimed by making the return of information in the form of an affidavit stating the facts. No form of affidavit is provided for finance companies disposing of their repossessed cars by wholesale.

**210 Federal, state and vehicles owned by tax certifying or tax levying bodies of Iowa or governmental subdivisions thereof.** Federal or state vehicles owned by any tax certifying or tax levying body of Iowa or governmental subdivision thereof are exempt from sales or use tax EXCEPT those used in connection with or by a municipally-owned public utility engaged in selling GAS, ELECTRICITY or HEAT to the general public. [Filed August 19, 1954]

**211 Applies to use tax only. Vehicles inherited.** Where a motor vehicle or trailer registered in a state other than Iowa is received by an Iowa resident as an inheritance from a decedent, the Iowa use tax is not imposed upon such a car. Where a motor vehicle or trailer is inherited, the county treasurer must require a special affidavit to be made before the vehicle is registered; no form is provided for such a case.

**212 Applies to use tax only. Exchange of vehicles.** When a resident of Iowa exchanges an automobile for a vehicle registered in another state, use tax is due when the Iowa resi-

dent makes application for registration of the car so received. The measure of the tax is two percent of the Iowa resident's declared valuation of the car being registered. This valuation must be established by affidavit form number UT-515.

**213 Applies to use tax only. Four affidavit forms furnished.** Four returns of information in the form of affidavits are provided by this commission. They are forms UT-503, UT-503-A, UT-514 and UT-515. When any of the above-named forms of affidavit are used, the following rules must be observed:

The venue must be established, that is, the name of the county in which the affidavit is sworn to must be inserted in the heading of the affidavit.

Paragraph "A" must be used if the owner is just one individual and does not use a trade name. If paragraph "A" is used, do not use paragraph "B".

Paragraph "B" must be used if the owner is a corporation, a partnership, an individual doing business under a trade name, or if one individual makes affidavit on behalf of another individual.

The number of the paragraph on which the applicant relies for exemption must be written in the space of the same, in paragraph "A," if "A" is used, or in paragraph "B," if "B" is used.

The make, year and type, motor number and Iowa registration number must be written in the space provided for such information.

"A" must not be used if "B" is required.

The person swearing to an affidavit shall subscribe his own signature, not the name of the firm.

*Example:* If Peter Johnson signs an affidavit on behalf of the Johnson Motor Company, a corporation of Cherokee, Iowa, he should use paragraph "B," the heading of which should be made as follows: I, Peter Johnson, salesman for the Johnson Motor Company, a corporation. In the place designated for signature in the affidavit should be only the name "Peter Johnson."

*Note:* There has been filed in the code editor's office a copy of an order of the state tax commission rescinding the above rule 213, which order was filed in the office of the secretary of state June 27, 1952. No certificate appears with the rescinding order that it had been filed for approval as to form and legality with the attorney general nor any certificate that it was so approved or remained in his office for twenty days and no action taken thereon. [Acts 54 G.A., ch 51.]

**214 Applies to use tax only. Gifts.** Cars given to Iowa residents are taxable. Use tax must be paid at the time the application is made for the first registration in this state. It is immaterial whether the application is made by the donor or the recipient of the gift. If application for registration is made by the recipient of the gift and no evidence can be obtained as to the price the donor paid for the

motor vehicle or trailer, use tax must be computed and paid upon the normal delivered price of a like car in the county where the application for registration is made.

**215 Administration of oaths.** Persons authorized by chapter 78 and section 421.21, Code, may administer oaths in respect to affidavits authorized and required by this commission to verify exemptions from use tax on motor vehicles and trailers.

Section 421.21.

See rule No. 7.

**216 Applies to use tax only. Returns of information.** Four forms of affidavits are furnished by this commission on which to make return of information verifying exemption from use tax on motor vehicles and trailers. The affidavits are forms UT-503, UT-626 and UT-515, which are explained in rules No. 217 to 231, inclusive, except rules 228, 229 and 230.

**217 Affidavit form UT-503.** Rescinded on June 30, 1952.

**218 Applies to use tax only. Affidavit form UT-503, Par. (3).**

"That I am a resident of the State of . . . . ., and not a resident of the State of Iowa, and that said motor vehicle or trailer belongs to me individually and was brought by me into the State of Iowa for my individual use and enjoyment while within the State of Iowa."

The above exemption should be claimed only in case a resident of a state other than Iowa is in this state for a short time and is using his motor vehicle or trailer, or both, for *personal reasons*. This exemption is not intended to and does not exempt persons who bring vehicles into the state of Iowa for use either directly or indirectly in the transaction of business in this state.

*Example 1:* Where a contractor brings vehicles into this state to be used on construction work, such vehicles are subject to use tax unless exempted by some other provision of the law.

*Example 2:* Where a salesman or representative of some firm brings either his own or his firm's vehicle into this state for use in connection with his work as such salesman or representative, he is not entitled to exemption under paragraph (3). Therefore, use tax shall be collected.

**219 Applies to use tax only. Affidavit form UT-503, paragraph (4). Homemade trailers.** All new trailers purchased on or after April 16, 1937, for use in Iowa are subject to use tax, use tax being payable to the office which issues the registration plates, at the time the original certificate of registration is secured.

If a consumer, who is not engaged in the business of selling new trailers or is not engaged in the business of manufacturing new trailers, purchases articles of tangible personal property and assembles same into a homemade trailer, no use tax is to be collected by the office that issues the original certificate of

registration for such trailer. On the other hand, the owner of such trailer under these circumstances would owe sales tax to his Iowa supplier when purchasing the parts and would likewise owe use tax if such parts are purchased outside of Iowa, the use tax to be reported and remitted directly to the state tax commission, unless the vendor from whom purchase is made is registered with and does bill and collect the Iowa use tax for the state. The purchaser in such instances does not purchase a new trailer, as such, and therefore owes no use tax on the completed unit to the county treasurer.

This exemption would not be in order, where a person engaged in the business of selling new trailers or of manufacturing new trailers applies for original certificate of registration in Iowa for the purpose of the use or consumption of the trailer by himself. In such cases use tax would be due at the rate of two percent of the purchase price, where the trailer was purchased as such, or two percent of the cost of manufacture where the trailer was manufactured.

*Example 1:* Where a manufacturer of vehicles brings a vehicle into the state of Iowa for use of the manufacturer or any of its agencies, and the particular car was not constructed for the individual use of the manufacturer, it is taxable.

**220 Applies to use tax only. Affidavit form UT-503, paragraph 5.**

"That said motor vehicle or trailer was purchased in the state of . . . . ., and that a tax with respect to its sale or use was paid by me/it to that state at the rate of . . . %, purchase price \$ . . . . ., tax \$ . . . . ."

The above exemption is allowed for the reason that it is not the intention of the use tax law that a tax shall be levied more than once on the property in the hands of the same individual. In order to prove the above exemption, the applicant for registration must show that the applicant is the identical person who paid retail sales tax or use tax on the same vehicle in a state other than Iowa.

The exemption provided for in paragraph 5 shall be allowed only when the amount of tax paid in another state is equal to or greater than the amount of use tax which would have been collected by this state if the vehicle had been purchased in Iowa. In Iowa, use tax is collected on the full purchase price which includes the federal manufacturer's tax, freight and all accessories delivered with the car at the time of its sale. If the amount of tax paid in another state does not equal the amount of tax that would have been collected on such a purchase, had the purchase been made in Iowa, then the difference between the tax which was paid in another state and the tax which would have been paid if the vehicle had been purchased in Iowa, must be collected before it is registered in this state.

**221 Applies to use tax only. Affidavit form UT-503, paragraph 5a.**

"That said motor vehicle or trailer was

formerly licensed by me/it in the State of Iowa and a Sales Tax or Use Tax paid to the State of Iowa by me/it."

The above exemption is allowable only in case the applicant had previously registered the same car in Iowa and had paid either retail sales or use tax, then moved the vehicle out of the state, registering it in another state and later returning to the state of Iowa. In such a case the applicant must establish that he is the identical person who had previously registered the vehicle in this state and that the Iowa retail sales tax or use tax had been paid to the state of Iowa at the time of the original registration.

**222 Applies to use tax only. Affidavit form UT-503, paragraph 6.**

"That said motor vehicle or trailer was purchased by me in the state of . . . . ., when I was a resident of said state and for use therein, and I have now changed my residence to the state of Iowa."

The exemption provided in paragraph 6 may be allowed only in the case where the resident of another state actually moves from that state into the state of Iowa and brings with him a motor vehicle or trailer. A corporation organized under the laws of another state cannot claim exemption by reason of moving into this state. A corporation does not change its residence.

*Example 1:* Where a salesman or representative of a corporation moves from another state into this state bringing with him the vehicle licensed in the name of the corporation, there is no change of residence on the part of the owner of the vehicle and no exemption shall be allowed. The above would be effective if the owner were a corporation, a partnership, or a person, if the car sought to be registered were intended to be used for business purposes in the state of Iowa.

**223 Applies to use tax only. Affidavit form UT-503, paragraph 7.**

"That I am a resident of the state of . . . . ., and not a resident of the state of Iowa; that said motor vehicle was purchased for use in the state of . . . . ., and is being registered in Iowa for the sole purpose of facilitating movement to that state."

The above paragraph is to be used for the purpose of securing exemption in case a resident of another state purchases a car in the state of Iowa and registers such a car for the sole purpose of driving the car out of the state.

*Example 1:* If a resident of another state should be driving through Iowa and wreck his car and should trade the wrecked car for a new one with which to travel on through the state, the car purchased for the purpose of continuing the journey would be exempted from the Iowa use tax and paragraph 7 should be used in support of the applicant's claim of exemption.

**224 Affidavit form UT-503-A. Rescinded on June 30, 1952.**

225 Affidavit form UT-503-A, (1), (2). Rescinded on June 30, 1952.

226 Applies to use tax only. Exemptions from use tax upon registration of motor vehicles and trailers by reason of use in interstate transportation or interstate commerce. A motor vehicle or trailer to be exempt from the Iowa use tax, under the provisions of subsection 2 of Code section 423.4, upon the grounds that it is used in interstate transportation or interstate commerce must clearly come within one or more of the following provisions. It must be shown:

1. That the motor vehicle or trailer is to be used exclusively in interstate transportation or interstate commerce; that is, the motor vehicle or trailer sought to be exempted is not intended to be used at any time for intrastate business;

2. That the motor vehicle or trailer sought to be exempted from use tax is intended to be used on a regular route between fixed termini, at least one terminus to be located outside the state of Iowa;

3. That the motor vehicle or trailer sought to be exempted from use tax must be intended to be used as a common carrier under all rules and regulations governing common carriers;

4. That motor vehicles or trailers, which are not common carriers, operate between a point in Iowa and points outside the state of Iowa in the transportation of goods, wares, or merchandise of the owner and make no deliveries in Iowa except such deliveries as are made to the warehouse of the owner.

A motor vehicle which is used for personal transportation of representatives of a person, firm or corporation, having its principal place of business in the state of Iowa or having a branch office or place of business in the state of Iowa, is not considered as being used in interstate commerce, notwithstanding the fact that such a vehicle may from time to time be used to transport persons across the state lines.

Any motor vehicle or trailer which is intended to be used at any time for the transaction of purely intrastate business or the making of purely intrastate deliveries is not considered to be used exclusively in interstate transportation or interstate commerce and the use tax imposed by law should be collected when such a motor vehicle or trailer is registered in Iowa for the first time.

Form UT-503-A is hereby designated as the official form on which to make affidavit in support of claim for exemption from payment of use tax for the reason that a motor vehicle or trailer is used exclusively in interstate commerce or interstate transportation.

No claimant shall be exempt until such claimant shall have established his right under this rule beyond all doubt and shall have made affidavit on form UT-503-A in which such a claimant sets forth the manner in which

such a motor vehicle is used in the business of the applicant and shows by the statement made on said form UT-503-A that the motor vehicle is to be used in such manner as to be clearly exempt under the provisions hereinbefore set forth. [See note following 227.]

227 Leased motor vehicles and trailers. Rescinded on June 30, 1952.

228 (Modified by use tax Rule No. 235.)

229 (Modified by use tax Rule No. 235.)

230 (Modified by use tax Rule No. 235.)

231 Applies to use tax only. Affidavit form UT-515. Form UT-515 is to be used for the purpose of establishing and verifying the total delivered purchase price of a motor vehicle or trailer purchased outside the state of Iowa. The purchase price of a vehicle bought in Iowa must be established by a dealer's memorandum of sale. The price of a vehicle purchased outside the state of Iowa must be established by a return of information made on affidavit Form UT-515. Before a motor vehicle purchased outside this state is registered by a county treasurer, the county treasurer must be satisfied that the information stated on Form UT-515 is true and correct.

FORM UT-515 RETURN OF INFORMATION PURCHASER'S AFFIDAVIT SUBSTANTIATING TOTAL DELIVERED PRICE OF MOTOR VEHICLE PURCHASED OUTSIDE THE STATE OF IOWA

STATE OF IOWA }
COUNTY OF ..... } ss.

A.\* I, .....
Name of Owner Street Address City
....., being first duly sworn upon oath depose State

and state, that I am the owner of the motor vehicle hereinafter described; that I wish to secure Iowa registration plates for said vehicle and, for the purpose of determining the amount of Use Tax to be paid to the State of Iowa, I hereinafter set out the following information:

B.\* I, .....
Name of Individual Making Affidavit Title
for .....
Name of Partnership, Corporation or Trade Name
being first duly sworn, upon oath depose and state that the foregoing applicant, whose principal place of business is located at ....., City
....., is the owner of the motor vehicle State

hicle hereinafter described;

\*USE PARAGRAPH "A" IF INDIVIDUAL; "B" IF CORPORATION, PARTNERSHIP, OR TRADE NAME.

that it wishes to secure Iowa registration plates for said vehicle and, for the purpose of determining the amount of Use Tax to be paid to the State of Iowa, I hereinafter set out the following information:

- 1. That said motor vehicle was purchased by applicant from ....., of ....., .....;
Name of Seller City State
2. That said vehicle was purchased by applicant on the ..... day of ....., 19.....;
3. That the total delivered purchase price to

applicant was \$.....; that the purchase price mentioned is the total delivered price, without deducting any amount allowed for property traded in.

Said motor vehicle is described as follows:

			NEW IOWA REGISTRATION NO.
MAKE	YEAR AND TYPE	MOTOR NO.	
.....	.....	.....	.....

(Signature)

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

Notary

Treasurer

This oath may be administered by any agent or employee of the State Tax Commission, State Motor Vehicle Department, or County Treasurer's office. Personal signature of party administering oath should be affixed.

Accepted by County Treasurer.....County.

Note: This affidavit must be filed in duplicate with the county treasurer. County treasurer shall forward one copy to the state tax commission with his monthly report and retain the other copy for his files.

**232 Applies to use tax only. Incorrect affidavits.** Affidavits of exemption which are not correct in both substance and form cannot be accepted by this commission in lieu of use tax. In case of doubt, the county treasurer shall collect use tax. It is always the privilege of the taxpayer to file a claim for refund if he believes use tax has been erroneously collected.

**233 Dealers selling new trailers, including house, farm and other trailers.** Section 423.8 Code of Iowa provides that motor vehicle and trailer dealers are exempted from sales tax with respect to their receipts from retail sales of new motor vehicles or new trailers, as these terms are defined in the motor vehicle law of Iowa, which are required to be registered under such motor vehicle law.

The Iowa motor vehicle law was amended, effective July 4, 1961, by chapter 108, Acts 59GA to provide that all "House Trailers" and "Mobile Homes" be registered under section 321.123, whether or not for highway use. This means that Iowa dealers receipts from sales at retail of new house trailers and new mobile homes made on and after July 4, 1961, are exempted from sales tax. Such dealers should report such receipts on their quarterly sales tax returns to the state tax commission and take appropriate deductions under 2 (F) of the return.

The county treasurer or state motor vehicle registration division shall, before issuing a registration for a new house trailer or new mobile home sold on or after July 4, 1961, collect the use tax due and give a proper receipt therefor and report and remit same in its monthly report to the commission.

With respect to each "Mobile Home" and each "House Trailer" for which application for registration is made, which has not been previously registered in Iowa under the motor vehicle law, as well as such units which

may have been registered in another state, but have been purchased by non-Iowa consumers, the office issuing the registration shall collect any use tax due, or secure an affidavit form UT-503 and state thereon the reason why use tax is not due, if this be the case, even though the applicant may have acquired the unit before July 4, 1961.

A consumer before July 4, 1961, buying a house trailer or mobile home either new or used, from an Iowa dealer, where the use tax was not paid nor the sales tax paid the dealer would be in a situation where tax would appear due, and section 321.30 (6) of the motor vehicle law provides registration shall be refused if the required sales tax was not paid to the dealer, as well as section 423.7 of the use tax law providing use tax due shall be paid before registration. If there is a proper basis for exemption, the complete facts should be given on affidavit form UT-503, the reverse side to be used if space is needed.

The office issuing the registration, need not review for sales or use tax purposes, an application for registration of a mobile home or house trailer purchased by the applicant longer than five years before the date of the application for registration. [Amended August 10, 1962]

Sections 321.123, 423.1 (7) and 423.7

**233.1 Homemade trailers for personal use.** (See Rule 219.)

**234 Powers and duties of motor vehicle registration division, Department of Public Safety of Iowa.** When a motor vehicle or trailer (new or used) is registered or titled with the latter division, that division shall have all of the powers and duties in respect to the collection of and reporting to the state tax commission of use tax, granted to and respective county treasurers of Iowa by chapter 423, Code of Iowa, 1958, and by state tax commission rules and regulations adopted pursuant thereto in collecting use tax on motor vehicle and trailers registered or titled in their several counties. [Amended August 5, 1958]

**235 Use tax to be collected by the county treasurers and the state motor vehicle registration division.** (Applies to "new motor vehicles" and "new trailers".)

A. In each case where an original Iowa registration is issued for a "New Motor Vehicle" or a "New Trailer", as these terms are defined in the use tax law, the county treasurer or the state motor vehicle division, whoever issues the registration, shall collect from the applicant a use tax of two percent of the applicant's purchase price, except only as otherwise provided herein.

B. An original registration may be issued for a NEW MOTOR VEHICLE OR A NEW TRAILER WITHOUT the collection of use tax only in the following situations:

1. When the applicant is applying for a

registration for a "New House Trailer" or a "New Farm Trailer" and can prove he has paid the Iowa sales tax to the dealer selling the trailer (as provided in Rule No. 233) or that he purchased the unit from a consumer who paid the sales tax to the dealer selling the unit. An affidavit (in duplicate) stating the facts should be made and filed by the applicant with the office who issues the registration, a copy to be retained by the office and the original to be sent to the use tax department with the monthly use tax report.

2. Where a consumer is applying for registration of a "homemade trailer" never before registered, where he built the trailer himself from parts which he purchased at retail and upon which he paid a tax to the seller. These facts should be established by the applicant executing and filing in duplicate with the office issuing the registration, an affidavit, a copy to be retained by that office and the original to be sent to the use tax department with the monthly report. The term "homemade trailer" does not include those trailers which are manufactured by a person in such a business, for the purpose of rental or sales. (See Form UT-503 Affidavit No. 4.)

3. When a nonresident of Iowa applies for a "nonresident—in transit" registration (\$5.00) for a new motor vehicle which he has purchased in Iowa and for which he intends to secure permanent registration in a state other than Iowa. Such an applicant should establish such facts by executing an affidavit in duplicate and filing same with the office issuing the registration, a copy to be retained by that office and the original to be sent to the use tax department with the monthly use tax report. (See Form UT-503 Affidavit No. 7.)

4. When a nonresident of Iowa is applying for a truck, truck tractor, or semitrailer (but not passenger buses) registration for the sole purpose of complying with the motor truck reciprocity law and complies by properly executing affidavit Form UTMVR-611 (in triplicate) and presents same to the office issuing the registration, one copy to be sent with the monthly report to the use tax department, and one to the state motor vehicle registration division.

5. Where the applicant is a tax certifying or tax levying body of Iowa or governmental subdivision thereof and is to use the unit for public purposes, except municipally-owned electric, gas or heat departments selling to the

public would owe use tax on units used in these departments.

6. Where the applicant for an Iowa registration for a new unit has paid and can prove sales tax or use tax or occupational tax payment by him to a state other than Iowa, credit shall be allowed for such tax so paid and proven, against the Iowa tax. If equal to the Iowa tax, no further tax should be collected, and if less than the Iowa tax, the difference shall be collected by Iowa. Iowa tax is measured at the rate of two percent of the applicant's purchase price, before any amount is deducted for property traded in, in event of a trade-in deal.

C. Chapter 110, Acts of the 54th General Assembly [§322.2 (6), Code 1954], defines "used motor vehicles" to mean "any motor vehicle of a type subject to registration under the laws of this state, which has been previously registered or for which a certificate of title has been issued in this or any other state."

D. For the purpose of this rule a new motor vehicle or a new trailer is one subject to registration under the laws of this state, which has not been previously registered or titled in this or any other state.

E. Licensed auto dealers are not required under the new motor vehicle "Title" law to register used foreign motor vehicles, but are required to secure a title for such units within forty-eight hours after they arrive in this state. Dealers, when applying for a title on such foreign used vehicles, should execute a resale affidavit Form UT-626 in duplicate and file with the office issuing the title, a copy to be retained by that office and the original to be sent to the use tax department with the monthly use tax report.

F. Upon adoption of this rule Affidavit Form UT-514 shall be abolished and its use no longer permitted in lieu of use tax.

G. Any and all opinions and rules of the state tax commission, including rules numbered 205, 206, 207, 228, 229 and 230 of the commission's 1953 Sales and Use Tax Regulations, which are to be found in 1952 I. D. R. which are inconsistent herewith, are hereby amended and modified as of the effective date of this rule, to conform herewith.

The provisions of this rule, numbered 235, shall be effective the first day of April, 1954, and any modifications of previous rules hereby made shall not apply prior to April 1, 1954. [Filed March 15, 1954]

## TREASURER OF STATE

### MOTOR VEHICLE FUEL TAX DEPARTMENT

[Filed July 5, 1955]

#### 1 Withdrawals from marine and pipeline terminals.

Par. 1. No person, firm or corporation owning, leasing, possessing or operating a marine

or pipeline with one or more outlets, terminals or storage facilities in the state of Iowa shall withdraw any motor vehicle fuel or petroleum product therefrom except through meters and accompanying accessories installed



at the points of withdrawal, all of which, including the installation, shall have been first approved by the treasurer of state.

Par. 2. No change shall be made in the methods of withdrawal until after the new method has first been approved by the treasurer of state.

Par. 3. Reports of withdrawals, on prescribed forms, shall be made to the treasurer of state, as required by him.

Par. 4. The treasurer of state reserves the right to waive the provisions of paragraph 1 of this regulation when withdrawals are made solely into railroad tank cars and the treasurer of state is satisfied that such withdrawals are accurately recorded and accounted for.

## **2 Transportation of liquefied gas by liquefied gas retailers.**

The transportation in any conveyance by a liquefied gas retailer of liquefied gas in bottles or drums in a gross amount of not to exceed 700 pounds at any one time shall not be construed to be a transportation in bulk so as to require the liquefied gas retailer so transporting to hold a motor vehicle fuel transport license.

## **3 Use of double-faced carbon in preparation of refund invoices.**

Only double-faced carbon paper shall be used in preparing invoices showing the purchase of motor vehicle fuel on which a refund of the state gasoline tax is to be claimed.

## **4 Enforcement officers designated.**

Each auditor, each inspector and each investigator employed in the motor vehicle fuel tax division shall act as an enforcement officer in enforcing chapter 324, Code 1954, and by virtue of chapter 171, Laws of the 56th G.A., shall be vested with the powers of peace officers in the performance of such duties. [Filed July 5, 1955]

### **SPECIAL FUEL**

No diesel fuel shall be dispensed or delivered by an Iowa licensed special fuel dealer into the fuel supply tank of any motor vehicle, except through a state of Iowa sealed metered computing pump permanently installed at a licensed special fuel dealer's location.

[Filed September 4, 1959]

### **INTERSTATE MOTOR VEHICLE FUEL USE**

In compliance with section 324.54 of the Iowa motor vehicle fuel tax law (1958 Code of Iowa). A permittee has the privilege of entering or leaving this state with any amount of motor vehicle fuel. For that privilege the permittee must pay tax on all motor vehicle fuel purchased in this state, and shall pay tax on the amount consumed less the amount purchased in the month for which the report is made.

Each permittee shall file a report each month. If no travel takes place in Iowa write NONE after "Miles Traveled in Iowa."

The report must be filed with the treasurer of state on or before the last day of the calendar month following the month in which the fuel was imported into this state in the fuel tanks of motor vehicles. Add ten percent penalty for late filing.

The operation for each month shall be separate. No credit for excessive motor vehicle fuel purchased in Iowa in one month shall be taken for any subsequent month.

The mileage shall be the actual miles traveled in Iowa and the tax shall be computed on the total amount of motor vehicle fuel consumed in this state during the month.

Each permittee must be prepared to prove by adequate records the correctness of the "Miles Traveled in Iowa" and the "Average Miles per Gallon" to the field auditors of this division.

The tax shall be computed separately under each section on the total number of gallons of motor vehicle fuel consumed in the state of Iowa.

No allowance shall be made for fuel purchased in excess under one section to offset fuel purchased under the other section.

A permittee shall not deduct twenty gallons per trip.

Proof of motor vehicle fuel purchased in Iowa shall be in the form of original invoices of purchases. These invoices are not to be mailed to the state of Iowa, but are to be kept in the permit holder files except when requested.

When errors in computation result in an overpayment of taxes a credit memorandum in the amount of the overpayment will be issued and is to be used as credit on the next month's report. Credit memorandums not used within sixty days from date of issue will be canceled.

[Filed December 8, 1959]

### **MOTOR VEHICLE FUEL TAX COMPUTATION**

For the purpose of determining the amount of liability of tax imposed, the motor vehicle fuel tax on all purchases of a distributor shall be reported and computed on either gallons loaded or adjustment of 60 degrees Fahrenheit figure for one calendar year. Any change must be requested from the motor vehicle fuel tax division in writing.

Where a distributor has more than one motor vehicle fuel supplier, the distributor shall not report and compute the tax on purchases from one supplier on 60 degrees Fahrenheit temperature adjustment and from other suppliers on gallons loaded.

Invoiced gallonage shall mean the amount shown on the Bill of Lading or Manifest.

[Filed February 26, 1960]

The state recommends that the same motor vehicle fuel sales invoices as required by section 324.17 of the Iowa motor vehicle fuel tax law for sales invoices subject to tax refund be used for sales to truckers. The state however will accept sales to trucker invoices meeting simpler specifications as follows:



a. Name and address of the filling station must be printed and name and address of the purchaser must be written or stamped on each invoice.

b. It must be the original top invoice prepared by the seller with double-faced carbon paper under the original. Carbon copies are not acceptable.

c. Invoices must bear serial numbers. General merchandise sales pads bearing numbers 1 to 50 only, are not acceptable.

d. Credit card invoices are acceptable if issued as credit sales. Credit card invoices issued covering cash sales are not acceptable.

e. Date, type of fuel, and gallons must be shown on the invoice.

[Filed January 18, 1961]

#### IDENTIFICATION OF MOTOR VEHICLE FUEL HIGHWAY TRANSPORTS

A vehicle as used in the statute shall mean the trailer tank unit, or other similar transport equipment used for transportation of motor fuel, the purpose of which is to contain and transport motor vehicle fuel in quantities of four thousand gallons or more on the public highways of the state of Iowa. A motor vehicle fuel transport license plate is to be attached to the front and rear end of any such unit. The two plates on each vehicle must be identical and shall not be transferred from one vehicle to another.

[Filed February 8, 1961]

#### REFUNDS OF MOTOR VEHICLE FUEL TAX

Any invoice in support of a claim for refund must be filed within three calendar months from the date of purchase of the fuel. The filing date shall be the date the claim is received in the office of the treasurer of state and not the date the claim is signed, or the envelope is postmarked. Any invoice not received within the time limitation will be disallowed and deducted from the claim.

[Filed May 19, 1961]

#### DIESEL FUEL TAX

Before selling diesel fuel in bulk to dealers and users, the seller must ascertain if the purchaser has a tax-free or a tax paid special fuel license with the state of Iowa.

A distributor or supplier must sell special fuel dealers and special fuel users according to the type of special fuel license issued to the dealer or user by the state of Iowa.

All dealers and users who are sold diesel fuel in bulk must have a tax-free or tax paid special fuel license.

[Filed December 7, 1961]

#### REFUNDS TO NONLICENSEES

a. The name and address of each person for whom the service was performed.

b. The date and amount of processing of products of each job.

c. A copy of the invoice covering the service performed on each job.

d. The date and mileage of each trip made.

e. If the owner or operator has a current special fuel Users License with the state, a record must be kept of the gallons of fuel dispensed from bulk storage into the fuel tank of each vehicle.

f. All records pertaining to the refund claim are to be made available to the state on request.

[Filed December 28, 1961]

#### TAX CREDIT MEMORANDUMS

9 (324) The application for motor fuel or special fuel tax credit memorandum shall contain the following information:

a. Date of job or work.

b. Type of job or work.

c. Amount of work performed each job.

d. Customer name and address.

e. Invoice or bill of lading number of each job.

f. Type of fuel used each job.

g. Gallons of fuel used for each nonhighway job or operation for which the application is made.

h. Application for tax credit memorandum on the fuel used for nonhighway purpose must be submitted with the motor vehicle fuel tax report of the same month. Claims submitted covering any other period will not be allowed.

(This rule is intended to implement section 324.16.)

[Filed July 31, 1963]

10 (324) The application for motor fuel or special fuel tax credit memorandum shall be submitted as follows:

Application Form MVF 41 for tax credit memorandum on the fuel used in a bordering state must be submitted with the motor vehicle fuel tax report Form MVF 14 of the same month. Claims submitted covering any other period will not be allowed.

[Filed May 13, 1964]

#### SALES INVOICE

11 (324) Every retail motor vehicle fuel dealer when making a sale of motor vehicle fuel which has been dispensed into the fuel supply tank of a motor truck, shall give to each purchaser upon demand a sales invoice meeting the following requirements:

Name and address of the service station must be machine printed and name and address of the purchaser must be written or stamped on each invoice. Where more than one station is owned by the same company the firm name and home address must be machine printed and the station locations may be rubber stamped. It must be the original top invoice prepared by the seller with double-faced carbon paper under the original. Invoices must bear serial numbers of three or more digits. Credit card invoices are acceptable if issued as credit sales. Credit card invoices issued covering cash sales are not acceptable. Such a sales invoice must be issued

on demand even though the sale be on an open account or charge basis and in such event must be marked to show this fact at the time of issuance. Date, type of fuel and gallons must be shown on the invoice.

[Filed July 14, 1965]

This rule is intended to implement section 324.54, sentence 2, of the motor vehicle fuel tax law.

## WATCHMAKING EXAMINERS

**1. Examination time limit.** All applicants must complete the practical examination within ten hours.

**2. Passing grades.** A passing grade in the examination for certificate of registration shall be an average of seventy-five percent, in each subject.

**3. Retake requirements.** Persons failing in the examination shall be required to take an examination in all subjects in which their grades were less than seventy-five percent, and upon receiving a passing grade in said subjects and a passing grade in the examination, a certificate of registration may be issued.

**4. Examination grades—mailed out.** Examination grades will not be given to applicant on the day of examination. All grades are determined by the board during meetings at which a quorum is present. The applicant shall be notified by mail.

**5. Applicant failing—may be apprenticed.** An applicant, failing to pass the required examination, may be apprenticed to a registered watchmaker, and issued a certificate as such. The applicant must, however, again appear for examination within six months.

**6. School credit defined.** Applicants will receive credit for training received only in watchmaking schools duly accredited by the Horological Institute of America, or the United Horological Association of America.

**7. Repair records required.** Every registered and apprentice watchmaker shall keep a repair record of all repairs made by him, for at least one year thereafter. This record shall set out the number for each respective repair, the date such repairs were made, what repairs were made, the price charged for such repair, and the name and address of the owner of each such repaired timepiece. The number of each repair job shall be marked on the inside of the back of the case.

**8. Unethical conduct—defined.** Unethical conduct is defined as follows:

*a.* It shall include and mean any conduct of a character which is likely to mislead, deceive or defraud the public.

*b.* The loaning of a certificate of registration to any person.

*c.* The failure to display the certificate of

### INTERSTATE OPERATIONS PERMIT

If a person engaging in interstate operations is operating in a lessor-lessee arrangement, it shall be the responsibility of the lessee to secure a permit as required under section 324.53 and to compute, report, and remit all motor vehicle fuel taxes due the state of Iowa.

[Filed November 17, 1965]

This rule is intended to implement sections 324.52 and 324.53.

registration conspicuously at all times, as required by statute.

*d.* The representation that a watch has been cleaned, although its major parts, train wheels and mainspring, have not been disassembled and the cap jewels removed and all parts thereof properly cleaned.

*e.* Performance of any work upon a timepiece in an unworkmanlike or unskilled manner.

*f.* Representation that certain services or parts are necessary, or have been or will be used in the repair of a timepiece, when such parts or services are not necessary, and have not been used in such repairs.

*g.* Employment of any unregistered watchmaker to perform any watchmaking or repairs on timepieces.

*9.* No certificate of registration will be revoked while the holder thereof is an active member of the military or naval forces of the United States or engaged as a civilian in the service of the federal government for national defense work during a period of national emergency or limited national emergency, provided such holder is not, during said time, engaged in the practice of watchmaking in this state. Upon the return of the holder to the practice of watchmaking, his certificate may be renewed upon payment of the renewal fee of the then current year.

### THE STANDARDS OF WORKMANSHIP AND SKILL (Sec. 120.7, Code 1950)

**Part 1.** Practical demonstration of applicant's skill in the manipulation of watchmaker's tools. Time limit ten hours.

**Subject A.** Applicant furnishes a pocket watch which will meet the following requirements: Twelve or sixteen size, fifteen or more jewels, bimetallic balance, double roller and rivet type staff. He is required to completely overhaul, repair and reassemble.

**Subject B.** Applicant given a bracelet size watch without a stem. Required to completely make and fit a stem.

Bench, lathe and attachments, staking tool and cleaning machine are furnished. Applicants are asked to bring their own small tools, poising tool, calipers, tweezers, gravers, screw drivers, polishing slips and steel for making staff and stem. This request is in the interest of the applicant, as we desire that each applicant work under the least possible handicap.

**Part 2.** Examination of theoretical knowledge of watch construction, repair, and adjustment. Time limit five hours.

**Subject A.** Written examination, fifty questions.

**Requirements for passing:** This examination, in effect, constitutes the definition of standards

required by statute. Every individual, to receive a certificate of registration, legally empowering or licensing him to practice this profession, must have the ability to pass the above examination with a grade of at least seventy-five percent, in each part of the examination.



## INDEX

(See Table of Contents at Beginning of Volume)

References, unless otherwise indicated, are to page numbers

- Accountants, 1  
 Adjutant general, 6  
 Agriculture  
   Apiarist, 44  
   Bees, 44  
   Bovine tuberculosis, eradication, 14  
   Brucellosis, 11  
   Bulk tanks, milk, 39  
   Cattle, bovine tuberculosis, 14  
   Commercial feeds, 40  
   Dairy Industry, *see Dairy Industry Commission*  
   Dairy trade practices, 50  
   Dressings, food, 26  
   Eggs, 27  
   Entomologist, 41  
   Fertilizer law, 38  
   Food, 26  
   Food establishments, 48  
   Hotels, 48  
   Livestock diseases, 7  
   Livestock, importation, 24  
   Livestock, intrastate movement, 9, 20  
   Livestock movement intrastate—interstate, 20  
   Milk, bulk tanks, 39  
   Milk, manufacturing, 29, 30  
   Nurseries, horticultural, 41  
   Pesticides, 32  
   Poultry, importation, 24  
   Rabies control, 20  
   Restaurants, 48  
   Scales, 45  
   Seeds, 31  
   Veterinarians, 7  
   Weights and measures, 45  
 Aid to dependent children, 651  
 Architects, 52  
 Attorney general, 336  
 Auditing claims, 54  
 Banks, 55  
 Barbers, 260  
 Blind aid, 649  
 Blind persons, vocational training, 65  
 Boats, 132  
 Boilers, 337  
 Carriers, 81, 85  
 Children, neglected, dependent and delinquent, 661  
 Children's boarding homes, 661, 662  
 Child welfare, 656  
 Chiropractors, 264  
 Claims against state, 54  
 Commerce commission  
   Communication lines, 75  
   Electric lines, 75  
   Liquid carriers, 111  
   Motor carriers, 85  
   Pipe lines, 103  
   Practice before, 73  
   Railroad accident reports, 101  
   Railroad clearance, 91  
   Commerce commission—Continued  
     Railroad crossings, 99  
     Railroad service abandonment, 103  
     Railroad station abandonment, 102  
     Railroad switches, 97  
     Truckers, 81  
     Utilities, 117  
     Warehouses, bonded, 107  
   Communicable diseases, 177  
   Conservation commission, 126  
   Cosmetology, 265  
   County board of health, 287  
   Crippled children, 640  
   Custodial homes, 194  
   Dairies, 50  
   Dairy industry commission, 145  
   Dentists, 269  
   Disabled persons, 655  
 Disease  
   Communicable, 177  
   Livestock, 7  
 Drivers licenses, 618  
 Embalmers, 274  
 Employment security, 146  
 Engineers, 162  
 Fair board, 163  
 Fire protection, 520, 599, 612  
 Fishing, 145  
 Flammable liquids, 566  
 Food establishments, 48  
 Funeral directors and embalmers, 274  
 Garbage, 19  
 Gasoline, 765  
 Handicapped children, 640  
 Health department, 177  
 Higher education facilities, 288  
 Highway commission, 290  
 Highway patrol, 524  
 Highways, controlled access, 290  
 Hospitals, 185  
 Hunting, 126  
 Income tax  
   **References to regulations beginning on page 665**  
   Accounting methods, corporate, 22.33(2)-2  
   Accounting method used, 22.13-5  
   Adjusted gross income, 22.7-1  
   Administration of estate, period of, defined, 22.6-4  
   Agricultural co-operatives, exemptions, 22.34-1-22.34-3  
   Allocation of corporate income, 22.33(1)-3, 22.33(1)-6, 22.33(2)-1  
   Allocation of income among states, deductions, 22.9-12  
   Allocation of income, spouses filing separately, 22.7-7  
   Allocation of public utility income, 22.33(1)-10  
   Amended returns, 22.13-2, 22.13-3  
   Appeals to commission, 22.28-1-22.28-7

## Income tax—Continued

References to regulations beginning on page 665

Apportionment, income from multi-state business, 22.8(2)-5

Apportionment schedule, nonresident, 22.8(2)-11

Armed forces personnel, nonresident's income exempt, 22.8(2)-2

Armed forces personnel, residence and domicile, 22.5-2

Assessment, formal notice, 22.25-6

Association defined, 22.32-1

Audits, 22.25-1

Bad checks used to pay tax, collection, 22.21-4

Bank records of taxpayer examined, 22.63-2

Beneficiaries of trusts and estates taxed, 22.6-9

Bond, nonresident, 22.17-1

Capital gains and losses, basis, 22.7-4

Capital gains and losses, corporations, 22.33(1)-7

Capital gains by nonresident taxable, 22.8(2)-10

Capital gains prior to 1955, 22.7-11

Capital loss prior to 1955, 22.7-13

Carrying on trade or business, 22.4-1

Check, payment by, 22.21-3, 22.21-4

Checks and stubs produced, 22.63-2

Compromise of tax controversies, 22.25-3, 22.25-7

Computed tax defined, 22.4-1

Consolidated corporate returns, 22.37-1

Co-operatives, exemptions, 22.34-1-22.34-3

Copyrights, income taxable, 22.8(2)-6

Corporate income from manufacture or sale, 22.33(1)-8

Corporate income other than from manufacture or sale, 22.33(1)-8

Corporate income, public utility, allocated, 22.33(1)-10

Corporate net income, 22.35-1, 22.35-2

Corporate officers and directors, nonresident, taxable income, 22.8(2)-3

Corporate returns, 22.36-1-22.37-2

Corporate tax basis, 22.33(1)-1-22.33(2)-2

Corporation defined, 22.32-1

Corporations in liquidation, returns, 22.36-2, 22.36-3

Corporations, other regulations applicable, 22.38-1-22.41-1

Date returns are due, 22.13-4, 22.21-1

Decedent's return, 22.6-5

Deduction, income from federal securities, 22.7-2

Deductions, generally, 22.9-1-22.9-13

Deductions itemized, 22.9-3

Deductions, nonresidents' income, 22.9-13

Deductions verified, 22.9-10

Deductions where income is allocated among states, 22.9-12

Definitions, 22.4-1

Dependents, credit, 22.12-4

Discrepancies found in returns, procedure, 22.25-2-22.25-8

Dishonored checks, collection, 22.21-4

Dissolved corporations, returns, 22.36-4

## Income tax—Continued

References to regulations beginning on page 665

Dividends received by corporations, 22.33(1)-4, 22.33(1)-5

Domicile defined, 22.5-2

Errors found in returns, procedure, 22.25-2-22.25-8

Estate, returns, 22.6-6, 22.6-7

Estates, income taxed as entity, 22.6-2, 22.6-3

Estates, income taxed to beneficiaries, 22.6-9

Estimated tax assessed to avoid limitation, 22.30-2

Expenses prorated, 22.33(1)-6

Fair market value defined, 22.4-1

Federal government securities, not taxable, 22.8(2)-9

Federal income tax deductible, 22.9-5

Federal income tax refunds as taxable income, 22.8(2)-7

Federal returns examined, 22.63-1

Federal rulings and regulations applicable, 22.61-1

Federal securities, interest and dividends deducted, 22.7-2

Fiduciary as withholding agent, 22.6-6

Fiduciary defined, 22.6-1

Fiduciary returns, 22.6-6, 22.6-7

Foreign commerce, income taxable, 22.7-9

Foreign corporation, federal tax copy filed, 22.36-7

Foreign securities, income taxable, 22.7-3

Forms, 22.21-8, 22.21-9

Franchises, income taxable, 22.8(2)-6

Guardian, return by, 22.6-8

Hearings before commission, 22.28-2-22.28-7

Individual returns, general requirements, 22.13-1

Installment sales prior to 1955, 22.7-12

Intangible property defined, 22.4-1

Intangible property, income taxable, 22.8(2)-6

Interest received by corporations, 22.33(1)-4, 22.33(1)-5

Interstate commerce, income taxable, 22.7-9

Inventory to accompany state or trust return, 22.6-7

Iowa income tax not deductible, 22.9-4

Jeopardy assessments, 22.30-1

Joint return, decedent a party, 22.6-3

Limitations, 22.25-8

Losses, operating, as deduction, 22.9-6

Municipality, income received from, taxable, 22.7-10

Municipal securities, income taxable, 22.7-3

Mutual farm telephone companies, exemptions, 22.34-1-22.34-3

Net income, corporate, 22.35-1, 22.35-2

Nonresident partners' shares, 22.8(2)-8

Nonresident, return required, 22.16-5

Nonresident's bond, 22.17-1

Nonresident's credit for tax paid at residence, 22.18-1

Nonresidents, deductions, 22.9-13

Nonresident's income, 22.8(2)-1-22.8(2)-12

Nonresidents, tax withheld, 22.16-1

Nonresident to file copy of federal return, 22.13-6

## Income tax—Continued

- References to regulations beginning on page 665**
- Nonresident to resident change of status, 22.8(2)-12
- Notice, discrepancies found by audit, 22.25-2
- Operating losses, 22.9-6
- Optional standard deduction, 22.9-2
- Out-of-state business, income from, 22.8(1)-1-22.8(1)-4
- Overpayments refunded, 22.66-1
- Partnership returns, 22.15(2)-1-22.15(2)-5
- Patents, income taxable, 22.8(2)-6
- Payment by check, 22.21-3
- Payment, time and manner, 22.21-5, 22.21-6
- Penalty, failure to file corporate return, 22.36-5
- Personal exemption, 22.12-1-22.12-3
- Property, gain or loss from, basis, 22.7-4
- Public utility income allocated, 22.33(1)-10
- Reciprocity provision for allocation of income, 22.8(1)-1-22.8(1)-4
- Reciprocity provisions, 22.18-1
- Refunds, overpayments, 22.66-1
- Rents received by corporations, 22.33(1)-4, 22.33(1)-5
- Resident to nonresident change of status, 22.8(2)-12
- Return by agent, 22.21-7
- Return certified correct, 22.21-7
- Return, individual, general requirements, 22.13-1
- Return of information, 22.15(1)-1-22.15(1)-6
- Returns, corporate, 22.36-1-22.37-2
- Returns, date due, 22.13-4
- Returns filed, time and place, 22.21-1, 22.21-2
- Returns of information, dividends paid by corporation, 22.36-6
- Royalties received by corporations, 22.33(1)-4, 22.33(1)-5
- Rural electrification company, exemptions, 22.34-1-22.34-3
- Salesman, nonresident, taxable income, 22.8(2)-2
- Separate returns by spouses, deductions, 22.9-8
- Soil conservation expenditures deductible, 22.9-7
- Spouses' separate returns, deductions, 22.9-8
- State, income received from, taxable, 22.7-10
- State securities, income taxable, 22.7-3
- Tax evasion by corporations, particular devices noted, 22.37-2
- Taxpayer, persons included, 22.5-1
- Time for filing returns extended, 22.21-2
- Trade-marks, income taxable, 22.8(2)-6
- Trust, return, 22.6-6, 22.6-7
- Trusts, income taxed as entity, 22.6-2, 22.6-3
- Trusts, income taxed to beneficiaries, 22.6-9
- United States, income received from, taxable, 22.7-10
- Withholding agent's duties, 22.16-2
- Withholding tax, 22.16-1-22.16-4
- Industrial commissioner, 308
- Insects and plant diseases  
*See Pesticides*
- Insurance department, 326
- Iowa development, 336
- Iowa State University, 627
- Junior colleges, 397
- Lamps, 11, 25
- Law library, 344
- Liquefied gas, 527, 554
- Liquid transports, 543
- Liquor and wine  
Licenses, 352  
Purchases, 350  
Stores, 346  
Trade practices, 347  
Transportation and warehouse, 348  
Wines, 345
- Livestock, 7
- Medical assistance for aged, 648
- Medical library, 358
- Medical schools, 281
- Merit system, 358
- Milk, 29, 30
- Mines, 379
- Mobile home parks, 251
- Motor vehicle fuel, 765
- Motor vehicles, 519, 615, 618
- Nurseries, children, 662
- Nursing homes for children, 205
- Nursing homes, 194, 203, 593
- Old-age assistance, 640
- Optometry, 284
- Osteopaths, 281
- Peace officers pensions, 617
- Pensions  
*See Old-age Assistance, Public Employees Retirement, Peace Officers Pensions*
- Personnel, 380
- Pharmacy, 383
- Physicians and surgeons, 281
- Pipe lines and underground gas storage, 103
- Pesticides, 32
- Plumbing Code  
Backwater valves, 224  
Definitions, 211  
Drainage system, 233  
Fixtures, 225  
General regulations, 211, 215  
Hangers, 227  
Inspection, 243  
Interceptors, 224  
Joints and connections, 220  
Materials, 217  
Sanitation, 244  
Separators, 224  
Sewage, 246  
Storm drains, 241  
Tests, 243  
Traps and cleanouts, 223  
Vents, 237  
Waste pipes, 228  
Water supplies, 229, 245
- Podiatry, 263
- Public employees retirement, 161
- Public instruction  
Administration and finance, 387  
Approved and classified schools, 387  
Area schools and junior colleges, 397  
Driver and safety education, 401  
High school equivalency certificates, 403  
School lunch, 403

## Public instruction—Continued

- Teachers, 404
- Transportation, 428
- Veterans' training, 449
- Vocational education, 452, 508
- Railroads, 91
- Real estate brokers and salesmen, 624
- Reciprocity, motor vehicles, 625

## Sales and use tax

**References to rules beginning on page 694**

- Abstracts and law briefs, 73
- Abstracts of title, 73
- Accounts for resale, 24
- Address for applications and opinions desired, 1
- Administration of oaths, 7, 215
- Administrators, requirements, 45
- Admissions
  - List of tickets taxable, 111
  - Tax imposed, rate, 20, 37.3
  - To skating rink, 112
  - To state, county, district and local fairs, 111.4
- Advancements on purchase price, 60
- Advertising booths, 111.1
- Advertising circulars, 72
- Advertising service, 76
- Affidavit forms
  - UT-503, par. (3), 218
  - UT-503, par. (4), 219
  - UT-503, par. (5), 220
  - UT-503, par. (5A), 220
  - UT-503, par. (6), 222
  - UT-503, par. (7), 223
  - UT-515, 231
- Affidavits, incorrect, vehicles, 232
- Agreements, rental, 126
- Agricultural production, material used for, 94.1
- Aircraft sales, 124
- Alterations, 58
- Altering property belonging to others, 64
- American Red Cross, sales to, 28
- Amount of tax required, 10
- Amusement operators, vending machines, 59
- Amusements
  - Admission refunds, 20
  - Admission tax, 111
  - Commercial, 111.9
  - Legal and illegal 111.1
- Antiques, curios, old coins or collector's postage stamps, 116
- Appeals, 6
- Applications
  - Fee, 10, 15
  - For permit, 15.1
  - Required by retailer, 10
  - Use tax law, 170
- Assessments
  - Collections, 3.2
  - Field audits, 3.1
  - Received by commission, 5
  - Twenty-day requirement, 3.1
- Assignment for benefit of creditors, 21.1

## Sales and use tax—Continued

**References to rules beginning on page 694**

- Athletic activities
  - Activities of schools, 128
  - Clubs, 123
- Auctioneers, public auctions, 61
- Auctions, public, 46, 60
- Audit of records, 3
- Auditors, powers and duties, 1.5
- Auditors, reports confidential, 4
- Audits, limitations on, 1.4
- Automobile dealers
  - Dealers defined, 205
  - Dealers exempted, 206
  - Use tax, 228, 235
- Automobiles
  - Exchange of, tax liability, 212, 221
  - Federal and state-owned, 210
  - Given as a gift, 214
  - Inherited, exemption from tax, 211
  - Parts sales, excise tax, 37.5
  - Purchased for resale, 229
  - Refinishers and painters, 84
  - Shops and garages, 88
  - Tops, fabrication, 58
  - Washing and chassis lubrication, 81
- Awnings, fabrication, 58
- Bad debts, 31, 31.1
- Bakeries, wholesale containers, 52.4
- Baling wire, binder twine, 136
- Bankruptcy, insolvency or assignment, benefit of creditors, 21.1
- Barber and beauty shops, 93
- Barbers, 40
- Basis of tax, 11
- Bedding and litter sales, 102.2
- Beer and cigarette sales, dining cars, 105
- Beer sales, exemptions, from sales tax, 29.2
- Bicycles with attached motors, 200.1
- Billboards, painters, 86
- Binder twine, 136
- Bird and pet feed stores, 102.1
- Blacksmith, machine shops and similar activities, 83
- Blasting powder, 25.6
- Blocks and excelsior, packing, 52.1
- Boarding houses, 104
- Boat rides, river, 111.2
- Bonds required of foreign truckers, 110
- Bonds required of itinerant or transient sellers, 62
- Bookbinders, paper cutters, etc., 71
- Books
  - Coupon, 103
  - Examination of, 3
- Books repaired outside this state, 179
- Bottled gas and equipment used in motor vehicles, 25.9
- Bottles, labels, 52
- Bracket system, sales tax, 18
- Bracket system to be used by registered vendors, 186
- Briefs, law, 73
- Building material and supplies, 138, 168.1
- Building owners or operators, 57
- Bulbs, plants, seeds, 98



## Sales and use tax—Continued

## References to rules beginning on page 694

## Business

- Bought, 21
- Discontinued, 1.5
- Sold, 21
- Butterchips, 52.3
- Buttermilk, 99
- Butter, sale of, to patrons by creamery, 99
- Cafeteria, meals consumed by employees and family, 54
- Calcium chloride used in tractor tires, 95.1
- Canvass sales, 62
- Carboys and drums, 52
- Cards, merchandise, 103
- Carnival concessions, 111.1
- Carpeting, fabrication thereof, 58
- Carrying charges, 32
- Cartons, 52
- Cash collections, receipts for, 1.5
- Cash discounts, penalties and carrying charges, 32
- Cash records, 2
- Cash remittances, 1.5
- Casual or isolated sales, 30

## Certificates

- For delivery out of state, 55.3
- For gifts, 56.1
- Interstate vendors, 182
- Registration, cancellation thereof, 185
- Resale, burden of proof, 24, 187
- Sales tax, exemption from, 24
- Use tax, exemption from, 187

## Change of location

- In same county, 15.4
- Not in same county, 15.5
- Regarding permits, 15.2

## Charges, service, handling, 22.2

## Charitable activities, 128

## Checkrooms, 111

## Chemical compounds used to treat water, 26.1

## Chick sales, 26, 97

## Churches, 24, 128

## Cigarettes and cigars, 29.2

## Cities and towns making purchases, 49, 192

## Claim for refund

- Sales tax, 137
- Use tax, 197
- Use tax, motor vehicles, 204

## Classification D, contracts, 146

## Clay pigeons, 75

## Cleaners

- Dry, 82
- Wallpaper, 85
- Clock repair, 67
- Closing out sales, 61
- Cloth repairer, 68
- Clothing, fabrication thereof, 58

## Clubs

- Gun, clay pigeons, 75
- Private, 123

## Coal

- Consumed as fuel for processing, 25.1
- Delivery charges, 108

## Sales and use tax—Continued

## References to rules beginning on page 694

## Coal—Continued

- Mine operators making sales, 25.1
- Truckers, purchases, 109
- Coins, old, collectors, 116

## Collections

- Assessments, 3.2
- Assessments after five-year lapse, 1.4
- Method or reporting sales tax, 22.1
- Use tax, 188
- Color process plates, 25.7
- Commerce, interstate, 180
- Commodity credit corporation, sales to, 50.1
- Community sales, 61
- Companies, finance, 207
- Computation of tax, 11.1
- Concessions, 111.1
- Concessions, fair, 111.4
- Conditional sales contracts
  - Contract basis, repossession, 194
  - Sales contract basis, 188
- Conditional sales, purchases thereof, 176
- Conditional sale to be included in gross sales, 22.1
- Confidential information, 4
- Consignment sales, 35
- Consolidated return optional, 15.7
- Consumers
  - Purchasing from federal government or any of its agencies, 192.1
  - Use tax return, 175
  - Use tax returns and tax due quarterly, 149
- Containers, including packing cases, shipping cases, wrapping materials, etc., 52, 52.4

## Contractors

- Construction, Iowa, 164, 168.1
- General, 138.1
- General, release, 162
- Liabilities of subcontractors, 159
- Materials not readily obtainable, 165
- Nonresident, 150
- Own tools and equipment, 140
- Payment of final estimate withheld, 155
- Performing contracts with government, 167
- Purchasing for resale but incidentally consuming same, 141
- Release secured from commission, 157
- Release subject to audit, 161
- Required to file returns of information, 148
- Required to withhold part payment, 146
- Required to withhold part payment, 164
- Retailers, 147, 168.1
- Special, 138.2, 138.3
- Sponsors liability for sale and use tax, 156
- Subject to audit, 158
- When considered consumer, 138, 168.1

## Contracts

- Classified, 138.6
- Conditional basis, 188
- Construction, 138
- Construction required to withhold payment, 161
- Cost plus, 138.7

## Sales and use tax—Continued

## References to rules beginning on page 694

## Contracts—Continued

- Entertainment, 111.9
- Federal, state or local governments, 167
- Final payment thereof, 152
- Installation, 143
- Lump sum, 138.7
- Mixed, 145
- Sale of gravel and stone, 115
- Time and material, 138.7
- Tire mileage, 79.1
- Under classification D, 146
- Use tax returns, 151
- When title passes, 27

## Contributions, voluntary, amusements, 111.1

## Construction

- Contract, 138
- Contracts classified, 138.6
- Contracts distinguished, 144
- Corporations under federal statutes, 50
- Correspondence to employees of tax commission, 1.1
- Cosmetics sold by beauty shops, 93

## Cost plus contracts

- Buying out of state, 140
- Defined, 138
- Fixed for contracts, 168

## Country clubs, 123

## County fairs, admissions, 111.4

## County purchasers, 49

## Coupon books, 103

## Creamery association, sales by, 99

## Credit

- For defective merchandise, 33
- Of bad debts, 31
- On retail sales tax, 29.2
- Records, 2
- To relief agency, 51

## Cups, paper, 52.3

## Curios, 116

## Curtains, fabrication thereof, 58

## Dairy products sold by co-operatives, 99

## Damages paid for goods destroyed, 34

## Date of sale, 27

## Debits against taxpayer, 3.1

## Debtors for whom receiver is appointed, 45

## Decorators, interior, 85

## Deductions, 11

## Deductions allowed on repossessed goods, 23

## Defective merchandise, 33

## Defense training, purchases for, 125

## Definitions

- Automobile dealer, 205
- Bowling alleys, 111.1
- Construction contract, 138
- Construction contractor, 138.1
- Construction subcontractors, 138.3
- Fair, 111.5
- Fertilizer, 101
- Manufacturers, 10.3
- Material supplies, 138.5
- Processing of property, 171
- Readily obtainable in Iowa, 172, 172A
- Resale, 24
- Special construction contractor, 138.2
- Sponsor, 138.4

## Sales and use tax—Continued

## References to rules beginning on page 694

## Definitions—Continued

- Trailer, 39, 233
- Use, 171
- Delinquent returns, rules, 3.1, 11
- Delivery
  - Charges, 41
  - Charges on sale of coal, fuel and other merchandise, 108
  - Notice of appeals, 1.3
  - Out-of-state delivery certificate, 55.3
- Dental laboratories, 130, 132
- Dental laboratories, out-of-state, 198
- Dentists, 130
- Deposits or prepayments on purchase price, 60
- Determination of a contract, 139
- Dining cars, railway, 105
- Dirt and sod, 96.1
- Disaster loan corporation, sale to, 50.1
- Discontinuing of business, 1.5
- Discounts, cash, 32
- Dishes, paper, 52.3
- District court appeals, 6
- District fairs, admission, 111.4
- Doctors, 90
- Donations of tangible personal property, 56
- Drapes, fabrication thereof, 58
- Drawings, commercial, 86.1
- Druggist and pharmacists, 118
- Drums and carboys, 52
- Dry cleaners, 82
- Dry goods merchants, property made to order, 58
- Dynamite, tax on, 25.6
- Educational, religious and charitable activities, requirements, 24, 128
- Effective date of use tax law, 173
- Eggs, turkeys, 97
- Electrical co-operative association, 100
- Electricity used in processing, when exempt, 24.2
- Electric light bulb sales, excise tax, 37.4
- Electrification associations, 100
- Electrotypes, type, zinc etchings, half tones, stereotype, color process plates and wood mounts, 25.7
- Entertainments by schools and churches, 128
- Envelopes, sales, 72
- Equipment
  - Purchased in other states, 151
  - Rental, 166
  - Sales contracts, distinguished, 144
  - Tools, contractors, 140
- Etchings, zinc, 25.7
- Examination, books, papers, records, 1.4
- Examination of records, 2
- Excelsior and blocks, packing, 52.1
- Excise tax and federal tonnage tax, 37.6
- Exclusion by definition, 29.1
- Executors' requirements, 45
- Exemptions
  - Abstracts and briefs, 73
  - Advertising service, 76, 77
  - Automobile dealers, 206
  - Automobile refinishing, 84

## Sales and use tax—Continued

## References to rules beginning on page 694

## Exemptions—Continued

Board and lodging, 106  
 Book binding, 71  
 Car washing and lubricating, 81  
 Casual sales, 30  
 Coal used in processing, 25.1  
 Containers and cases, 52  
 Dental services, 130  
 Educational activities, 24  
 Electricity used in processing, 25.2  
 Federal or state purchases, 192  
 Finance companies, sale by, 207, 209  
 From retail sales tax, 29  
 Fuel oil used in processing, 25.1  
 Fuel used in processing, 195  
 Fur repairing, 66  
 Gasoline, 95  
 Gas used in processing, 25.1  
 Goods sold for resale, 24  
 Harness repairing, 70  
 Hospital services, 91  
 Installation charges, 42  
 Laundry and dry cleaning, 82  
 Law briefs, 73  
 Listed, 29  
 Livestock and poultry feeds, 102  
 Mattress repairing, 70  
 Motor rewinding, 80  
 Motor vehicles and trailers, 38  
 Motor vehicles, interstate commerce, 226  
 Newspaper and magazine sales, 77  
 Painting and paperhanging, 85  
 Physicians' and surgeons' services, 90  
 Pipe lines, 177.2  
 Printing and type setting, 72  
 Property tax paid to another state, 178  
 Property used in processing, 25  
 Repairing property belonging to others, 64  
 Returned merchandise, 33.1  
 Sales in interstate commerce, 55  
 Sales to American Red Cross, 28  
 Sales to U. S. or state of Iowa, 47, 48  
 Shoe repairing, 69  
 Steam used in processing, 25.3  
 Telephone and telegraph purchases, 121  
 Tire repairing, vulcanizing, 78, 79  
 Trade-in property, 40  
 Veterinarians' services, 92  
 Watch, clock and jewelry repair, 67  
 Explosives used in mines, quarries, 25.6  
 Extension request in filing return, 10  
 Exterminators, pest or insect, 65  
 Exterminators, weeds, 65.1  
 Eyeglasses, sales of, 89  
 Fabricating labor, 42, 58  
 Fabricators and processors, 24  
 Failure to file return, 3.1  
 Failure to keep records, 2  
 Fair  
   Admissions, 29, 111.4  
   Concessions, 111.1, 111.4  
   Defined, 111.5  
 Farmers selling produce, 30, 94  
 Farm sales, 61  
 Farm trailer sales, 39  
 Farm trailers, dealers, 233

## Sales and use tax—Continued

## References to rules beginning on page 694

Federal admission tax, 37.3  
 Federal deposit insurance corporation, sales to, 50.1  
 Federal taxes  
   Excise taxes, 37  
   Excise tax on auto parts, 37.5  
   Excise tax on electric light bulbs, 37.4  
   Farm mortgage corporation, 50.1  
   Federal- and state-owned vehicles, 210  
   Federal government, purchases from, 192.1  
   Federal home loan banks, sales to, 50.1  
   Federal instrumentalities, 47  
   Federal land banks, sales to, 50.1  
   Federal manufacturers' excise tax, 37.1, 196  
   Federal national mortgage association, sales to, 50.1  
   Federal retailers' excise tax, 37.2  
   Federal savings and loan associations, 50  
   Federal, state or local governments, contracts to, 167  
   Federal tonnage tax, 37.6  
 Fee and application, 15  
 Feeds, livestock and poultry, 102  
 Fee for application, 10  
 Fee for permits, 15  
 Fee required for reinstating revoked permits, 15.3  
 Fees, membership, 111  
 Fertilizer sales, 101  
 Fiduciary may sell for reasonable time, 45  
 Filing return blank, 1.5  
 Filling stations, 95  
 Final return, 1.5, 21  
 Finance companies, 207  
 Finance companies, permits required, 208  
 Finance companies, sales by, 135  
 Five-year limitation on examining records, 1.4  
 Floor waxers, 85  
 Florists and nurserymen, 96  
 Food sold in dining cars, 105  
 Foreclosure sales at retail, 46  
 Foreign trucks selling at retail in Iowa, 110  
 Formal assessment, 3.1  
 Forms  
   UT-503, (E-par 3), rule 218  
   UT-503, (par 4), rule 219  
   UT-503, (par 5), rule 220  
   UT-503, (par 5a), rule 221  
   UT-503, (par 6), rule 222  
   UT-503, (par 7), rule 223  
   UT-515, rule 231  
   ST-1 certificate of resale (by retailer), 24  
   ST-2 certificate of resale (by wholesaler), 24  
   ST-3 certificate of processing (by processor selling at retail (component part material), 24  
   ST-4 certificate of processing (by processor not selling to final consumer) (component part material), 24  
   ST-5 certificate of resale (by persons engaged in religious, charitable, educational purposes), 24

## Sales and use tax—Continued

## References to rules beginning on page 694

## Forms—Continued

ST-14 certificate of intent to register trailer, 39  
 ST-30 certificate of processing, 24  
 ST-200 lessor's notice of leasing department, 36  
 Statement with respect to electrical energy used for processing, 25.2  
 Statement with respect to gas consumed as fuel for processing, 25.1  
 Fortune telling, 111.1  
 Fraternal organizations, 123  
 Fraternities, purchases, 106  
 Freight charges, coal, 108  
 Freight charges, computation thereof, 41  
 Fuel, delivery charges, 108  
 Fuel oil sales, 95  
 Fuel, processing, 195  
 Fuel sales, 25.1  
 Funeral directors, 129  
 Furniture auctions, 61  
 Furniture repairers, 66  
 Fur repairers, 68  
 Fur sales, excise tax, 37.2  
 Games, 111.1  
 Garages, 88  
 Gardener, making sales, 30  
 Gasoline sales, 95  
 Gasoline sales, exemptions, 29.2  
 Garment repairer, 68  
 Gas used for processing, 25.1  
 Gas, water, heat and telephone services sold for public purposes, 49.1  
 Gifts, 53  
 Gifts and premiums, 56  
 Gifts, automobiles, 214  
 Gifts, certificates, 56.1  
 Give-away prizes, 53  
 Golf clubs, rentals, 111.3  
 Golf course, membership fees, 111  
 Goods coming into the state, 55  
 Goods damaged in transit, 34  
 Goods on consignment, 35  
 Goods repossessed, 23  
 Goods taken from stock for use, 44, 53, 54  
 Government contracts, 168  
 Grading, rock and gravel for sale, 26  
 Grass, sod and seeds, 96  
 Gratuities not accepted, 1.5  
 Gravel and stone, 115  
 Greenhouse, fuel consumed, 96  
 Grinding feed and hulling oats for sale, 26  
 Gross receipts, 10, 11  
 Gross receipts defined, 9, 22  
 Gun clubs, clay pigeons, 75  
 Half tones, 25.7  
 Handling and service charges, 22.2  
 Harness and mattress, repairers, 70  
 Hatcheries, 97  
 Hatching or incubation of chicks, 26  
 Hearings, 3.1, 5  
 Heat furnished to tenants, 57  
 Heat, water, gas and telephone service sold for public purposes, 49.1  
 Heels, rubber, 69

## Sales and use tax—Continued

## References to rules beginning on page 694

Homemade trailers for personal use, 219, 233.1  
 Homemade vehicles, 219  
 Home owners corporation, sales to, 50.1  
 Hormones, plant, 98.2  
 Horse shows not a fair, fair defined, 111.5  
 Horses, saddle, 111.3  
 Hospitals, infirmaries and sanatoriums, 91  
 Hotels, lodging and boarding houses, 104  
 Household furniture sales by owners, 30  
 Household sales, 61  
 Houses, lodging and boarding, 104  
 House-to-house canvass sales, 62  
 House trailer sales, 39, 233  
 Ice sales, 113  
 Ice skating rinks, 112  
 Infirmaries, 91  
 Information  
   Application for retail sales or use tax, 15.1  
   Confidential, 4  
   Official receipts, 1.5  
   Opinions, 1  
   Public officers, 8  
   Sponsors, 148  
 Inherited vehicles, 211  
 Inoculations, seed, 98.1  
 Insect or pest exterminators, 65  
 Insolvency, bankruptcy or assignment for benefit of creditors, 21.1  
 Installation charges, computation thereof, 42  
 Installation contracts, 143  
 Instructions, returns, payment of tax, 11  
 Interior decorators, 85  
 Interstate commerce, 180  
 Interstate commerce exemption from, vehicles, 226  
 Interstate commerce sales, 55  
 Interstate commerce trade-in, 189  
 Interstate commerce use tax liability, 180  
 Interstate machinery sales contract, 169  
 Interstate sales by dental laboratories, 132  
 Interstate sellers of magazines, 190  
 Interstate vendors, 181, 182  
 Intrastate machinery sales contracts, 169  
 Intrastate sales of magazines, 190  
 Inventories required, 2  
 Itinerant or transient sellers, 15.15, 62  
 Janitor supplies, 57  
 Jewelry repairer, 67  
 Jewelry sales, excise tax, 37.2  
 Jobbers' requirements of records, 43  
 Labels, 52  
 Labor cost in fabricating personal property, 42  
 Ladies' wearing apparel, alterations thereof, 58  
 Laundries, dry cleaners, etc., 82  
 Lease agreements, 126  
 Leased departments, 36  
 Leased equipment to contractors, 141  
 Leasing, receipts thereof, 126.1  
 Letterhead sales, 72  
 Liability of manufacturer who consumes tangible personal property, 10.3  
 Liability of seller, 10  
 Liability of sponsors, 153

## Sales and use tax—Continued

**References to rules beginning on page 694**  
 Liability of sponsors who fail to withhold payment, 156  
 Lien against delinquent taxpayer, 3.1  
 Limestone, agricultural, 25.4  
 Limitations on examination of records, 1.4  
 Limitation of time in serving notices, 1.3  
 Lining paper, 52.1  
 Linotype makers, 25.8  
 Livestock and poultry feeds and medicine, 102  
 Livestock purchased for feeding purposes, 61  
 Livestock sold by farmers, 94  
 Loaning tangible personal property, receipts thereof, 126.1  
 Lodging and boarding houses, 104  
 Lubrication, chassis, 81  
 Lump sum contracts, 138.7  
 Lunch program, school, 127.1  
 Machinery and equipment sales contracts of interstate nature, 169  
 Machinery and equipment sales contracts with installation involved, 143  
 Machinery contracts, distinguished, 144  
 Machinery purchaser who is a processor, 168  
 Machinery used by contractors, 152  
 Machine shops, 83  
 Machines, slot, 111.1  
 Machines, vending, 59

**Magazines**  
 Advertising, 76  
 Binders, 71  
 Magazine and news distributors, 133  
 Magazines and periodicals, sellers of subscriptions, 190  
 Subscriptions by independent dealers, 134  
 Trade journals, newspapers, 77

**Manufacturers**  
 Consumers, 10.3  
 Excise tax, 37  
 Material suppliers not a subcontractor, 138.5  
 Materials, wrapping, 52  
 Mattress and harness repairers, 70  
 Meals sold to employees, rate thereof, 54  
 Meal tickets, coupon books and merchandise cards, 103  
 Medicine, livestock and poultry, 102  
 Membership fees, 111  
 Memorial stones, 119  
 Merchandise cards, 103  
 Merchandise, defective, computation of tax thereon, 33  
 Merchandise returned, 33.1  
 Merchandise taken from stock, 53  
 Metal reserve company, sales to, 50.1  
 Milk bottles, 52  
 Mimeographers, printers and multigraphers, 72  
 Mine operators selling to coal truckers and haulers, 109  
 Mineral sales for livestock, 102  
 Monotype and linotype makers and makers of photo offset plates, 25.8  
 Monuments, sale of, 119  
 Mortgagee selling goods at auction, 46  
 Mortgages and trustees, 46

## Sales and use tax—Continued

**References to rules beginning on page 694**  
 Motor oils, sales of, 95  
 Motors, rewinding, 80

**Motor vehicles**  
 Motor bikes, 200.1  
 Motor vehicle department, 234  
 Motor vehicles and trailers leased, 227  
 Motor vehicles, federal and state, 210  
 Motor vehicles, interstate, exemption thereof, 226  
 Motor vehicles repair shops and garages, 88  
 Motor vehicles, use tax, 199

**Multigraphers, printers and mimeographers, 72**  
 Municipal swimming pools, 111.1  
 Nameplates, tags and labels, 52.2  
 Napkins, paper, 52.3  
 National defense training schools, 125  
 News and magazine distributors, 133  
 Newspapers, advertising, 76  
 Newspapers, magazines, trade journals, 77  
 Nonresident construction contractors, 150  
 Notice of appeals, 1.3  
 Notice of assessment, 3.1  
 Notices, service of, 1.3  
 Notice to the public, 16.1  
 Number games, 111.1  
 Nurserymen and florists, 96  
 Oaths, administration of, automobile, 215  
 Oculists, ophthalmologists, optometrists and opticians, 89  
 Original portion of return blank, 1.5  
 Out-of-state delivery, 55  
 Out-of-state truckers selling at retail in Iowa, 110  
 Packing cases, 52  
 Packing paper, 52.1  
 Painters and paperhangers, 85  
 Painters, sign, 86  
 Paintings and sketches, 86.1  
 Paper containers, cups, dishes, napkins, etc., 52.3  
 Paper cutters, bookbinders, etc., 71  
 Papers and books, examination of, 3  
 Parking meters, purchases thereof, 49.2  
 Part consideration defined, 40  
 Partnerships securing permits, 15.1  
 Parts, automobile federal excise tax on, 37.5  
 Parts used for reconditioning, 40  
 Pasteurizing of milk for sale, 26  
 Patterns and dies, 25.5  
 Pavilion sales, 61  
 Pawnbrokers, 117  
 Peddlers and street vendors, 63  
 Penalties, 11.2  
 Periodicals, sales thereof, 77

**Permits, sales tax**  
 Application for fee, 10, 15  
 Change of location same county, 15.4  
 Displayed by retailer, 16  
 Not in same county, 15.5  
 Not transferable, 15.6  
 Regular sales tax, 15 to 15.8  
 Return blanks mailed to permittee, 15.8  
 Revoked permit, 15.3

## Sales and use tax—Continued

**References to rules beginning on page 694**

Personal consumption, 44, 53, 54  
 Sales tax reinstatement of canceled permit, 15.2  
 Pertinent facts to be stated in securing information or opinions, 1  
 Pest or insect exterminators, 65  
 Pet or bird feed sales, 102.1, 102.3  
 Petroleum products, 95  
 Philatelists, 116  
 Photo equipment sales, 114  
 Photo finishers, 114, 114.1  
 Photograph sales to newspaper or magazines, 114.2  
 Photo offset plate makers, 25.8  
 Physicians and surgeons, 90  
 Pipe lines, 177.2  
 Place and time for filing, 11  
 Place of business, defined, 59  
 Plant hormones, 98.2  
 Plants, seeds and bulbs, 98  
 Plates, color, 52.3  
 Plates, color process, 25.7  
 Pools, swimming, 111.1  
 Postage stamps, collectors, 116  
 Post exchanges and army activities, 47  
 Poultry and livestock medicines, 102  
 Premiums and gifts, 56  
 Prepayment on purchase price, 60  
 Prescriptions, receipts from, 118  
 Printers, mimeographers and multigraphers, 72  
 Private clubs, 123  
 Processing activities, 26  
 Processing certificates, 24  
 Processing, certificates of resale, 187  
 Processing fuel, 195  
 Processing of property, defined, 171  
 Processors, 168  
 Processors and fabricators, 24  
 Process plates, color, 25.7  
 Property made to order, 58  
 Property used by manufacturer, 10.3  
 Public, notice to, sales tax, 16.1  
 Public officers required to give information, 8  
 Punch boards, cigarettes, 111.1  
 Purchase records, 2  
 Purchaser buys for resale and later consumes, 53  
 Purchaser who is a processor, 168  
 Purification of water for sale, 26  
 Purpose of use tax, 12  
 Quarterly periods in which returns are filed, 15.8  
 Radio broadcasting stations and television purchases, 177.3  
 Railroads, sale to for use in state, 183.1  
 Railway dining cars, 105  
 Rate of penalties, 11.2  
 Rate of tax, 11  
 Rate of tax, motor vehicles, 202  
 Readily obtainable in Iowa, definitions, 172A  
 Receivers, requirements, 45  
 Reconstruction finance corporation, sales to, 50.1  
 Records, examinations, 2, 3

## Sales and use tax—Continued

**References to rules beginning on page 694**

Recovery of bad debts by collection agency or attorney, 31.1  
 Recreation, admission tax, 111  
 Red Cross, sales to, 28  
 Refinishers, automobile, 84  
 Refrigeration, fuel or power used in, 26  
 Refunds  
 Admission tickets, 20  
 Procedure regarding tax levying and certifying bodies, 49  
 Relief agencies, 51  
 Sales tax, 137  
 Tax on purchase from athletic fund, 49.2  
 Use, motor vehicles, 204  
 Use tax claim, 197  
 Refusal to pay assessment, 3.2  
 Refusal of taxpayer to produce records for examination, 3  
 Registration, cancellation thereof, 185  
 Registration of interstate vendors, 181, 182  
 Regulations, general, 1.5  
 Reimbursement of seller, 10  
 Reinstatement of canceled permit, 15.2  
 Reinstatement of revoked permits, 15.3  
 Release of general contractors, 162  
 Release of sponsors, 157, 160  
 Relief agencies, 51  
 Religious activities, 128  
 Religious organizations, 24  
 Remittances by mail, 1.5  
 Rental agreements, 126  
 Rental equipment, 126  
 Rentals, operation of amusements, 111.3  
 Repairers  
 Clock, 67  
 Fur, 68  
 Furniture, 66  
 Harness, 70  
 Jewellery, 67  
 Mattress, 70  
 Shoe, 69  
 Tennis rackets, 74  
 Tires, vulcanizing, 78  
 Upholstery, 66  
 Watch, 67  
 Repairing property belonging to others, 64  
 Repair shops, automobile, 88  
 Repair work outside of state of Iowa, 179  
 Report by county treasurers of use tax collected, 20.1  
 Repossessed goods, 23  
 Repossessed trade-ins, 40  
 Repossessed vehicles, selling thereof, 209  
 Repossession, conditional contract basis, 194  
 Resale accounts, 24  
 Reserved seats, 111  
 Reservations, booth, 111, 111.1  
 Residence in another state, vehicle brought into Iowa, 222  
 Restaurant, meals consumed by employees and family, 54  
 Retailers  
 Collection of use tax due, 183  
 Contractors, 147  
 Defined, 9  
 Excise tax, 37

## Sales and use tax—Continued

## References to rules beginning on page 694

## Retailers—Continued

- Manufacturers' excise tax, 196
- Not to include tax in selling price, 17
- Repossessing merchandise, how reported, 23
- Required to keep records, 2
- Required to keep records of sales for re-sale, 24
- Selling business, records, 21
- Selling goods on conditional sales basis, 188
- Taking merchandise from stock for own use, 53
- Use tax return, 184
- Returns, sales tax
  - Become delinquent, 11
  - Blank duplicate, 1.5
  - Blanks mailed to permittees only, 15.8
  - Due, 11.2
  - Explanation thereof, 11.1
  - Including conditional sales, 22.1
  - Including gross sales, 22
  - Instructions, payment of tax, 11
  - Not filed, 3.1
  - Payments due, 10
  - Required with remittances, 1.5
- Returns, use tax
  - Consumer's use tax, 149
  - Contract job, permission, 154
  - Contractor required to file, 146-148
  - Dental laboratories (out of state), 198
  - Information affidavits, 216
  - Information by contractors, 149
  - Information by sponsors, 153
  - Information, motor vehicles, 216
  - Penalty for late filing, 193
  - Property purchased on conditional basis, 176
  - Rate on motor vehicles or trailers, 202
  - Registered retailers, quarterly periods, 184
  - Retailers use tax, 184
  - Terms defined, 172
  - Trade-in computation of tax, 189
  - Trailers, collection of tax by county treasurer, 39
  - Trailers (new), 233
- Revenue received from leasing or loaning tangible personal property, 126.1
- Review of assessments, 5
- Rewinding motors, 80
- Rubber heels, 69
- Rubber reserve company, sales to, 50.1
- Rug cleaners, 82
- Rural electrification associations, 100
- Sales
  - American Red Cross, 28
  - Automobile refinishers, 84
  - Barber and beauty shops, 93
  - Blacksmith and machine shops, 83
  - Bookbinders, 71
  - Certain corporations organized under federal statutes, 50
  - Civilian conservation corporation, 47
  - Clubs (private), 123
  - Conditional, 22.1
  - Consignment, 35

## Sales and use tax—Continued

## References to rules beginning on page 694

## Sales—Continued

- Consumers by truckers, 107
- Contractors (lump sum or cost plus), 140
- Corporations organized under federal law, 50
- County, cities, towns and school districts, not exempt, 49
- Dental laboratories located in Iowa, 131
- Dentists, 130
- Educational, religious or charitable activities, 11
- Employees, 43, 54
- Fraternities and sororities, 106
- Funeral directors, 129
- Furniture repairers, 66
- Furriers and fur repairers, 68
- Government institutions, 47
- Harness repairers, 70
- Hospitals and sanatoriums, 91
- Hotels and lodging houses, 104
- Insect or pest exterminators, 65
- Jewelry repairmen, 67
- Laundries and dry cleaners, 82
- Mattress repairers, 70
- Navy relief society, 28
- Oculists and ophthalmologists, 89
- Peddlers and street vendors, 63
- Photographers and photo finishers, 114
- Physicians and surgeons, 90
- Radio broadcasting stations and television, 177.3
- Relief agency, 51
- Repairmen repairing property of others, 64
- Schools, 127
- Shoe repairs, 69
- State of Iowa, 11
- Telephone and telegraph companies, 121
- Tire repairmen, 78
- United States government or to state of Iowa, 47
- United States post office, 47
- U. S. O., 28
- Veterans hospital, 47
- Sales at retail, defined, 10
- Sales barns, 61
- Sales contract, when title passes, 27
- Sales for resale requirements, 24
- Sales, furnishing or service of transportation service, 11
- Sales in interstate commerce, 11, 55
- Sales made for personal consumption, 43
- Sales not considered as interstate commerce, 55.1
- Sales tax
  - Adding to price, 17, 18, 19
  - Admission charges, 20
  - Application for permit, 15.1, 15.9
  - Contractor liability, 139
  - Contractors having use tax number or sales tax permit, 150
  - Credit on, 29.2, 31
  - Exemptions listed, 29
  - Leased departments, permit for, 36
  - Not to be included in price, 17
  - Penalties, 11.2
  - Permit duration, 15

## Sales and use tax—Continued

## References to rules beginning on page 694

## Sales tax—Continued

Permit must be posted by retailer, 16  
 Permit required by finance companies, 208  
 Rate of tax, 11  
 Refund form, 137  
 Repossessed goods, deductions, 23  
 Returns, 11, 11.1  
 Returns by contractors quarterly periods, 148  
 Returns, explanation thereof, 11.1  
 Returns to include conditional sales, 22.1  
 Returns to include gross sales, 22  
 Sales tax schedule, 18  
 Trade-in property, computation of tax, 40  
 Trailers subject to tax, 233  
 When paid to another state, 178  
 Sanatoriums, 91  
 Schedule of tax, bracket system, 18  
 School district purchases, 49, 192  
 School lunch program, 127.1  
 School purchases, 127  
 Schools sponsoring national defense training school courses, 125  
 Season tickets, 111  
 Secondhand tangible personal property, 10.1  
 Seed inoculations, 98.1  
 Seeds, plants, bulbs and like products, 98  
 Sellers' duty, 10  
 Sellers of subscriptions to magazines and periodicals, 190  
 Sellers' reimbursement, 10  
 Separate business, permits for each, 15  
 Service and handling charges, 22.2  
 Serving of notices, 1.3  
 Shells sold by a gun club, 75  
 Shipping cases, 52  
 Shoe repairers, 69  
 Shops, barber and beauty, 93  
 Shows, contract, 111.9  
 Shows, horse, 111.5  
 Shrubs, tax on, 96  
 Signs and sign painters, 86  
 Signs, sales, 87  
 Silverware repairers, 67  
 Skating rinks, 112  
 Skeet shooting, 75  
 Sketches and paintings, 86.1  
 Slot machines, 111.1  
 Sod and dirt, 96.1  
 Sororities and fraternities, 106  
 Special tax, sales, 29.2  
 Sponsor, 138.4  
 Sponsors' liability, 153  
 Sponsors' release, 157, 160  
 Sponsors required to withhold payment, 155  
 Sponsors' return of information, 148  
 Spoons and forks, wooden and paper, 52.3  
 Stamps, collectors, 116  
 State and federal owned vehicles, 210  
 State institutions, purchases, 192  
 State of Iowa purchases, 47, 48  
 State or federal government purchases, exempt, 192  
 Stations, filling, 95  
 Statute of limitations, 1.4  
 Steamboats, river, 111.2

## Sales and use tax—Continued

## References to rules beginning on page 694

Steam used in processing, when exempt, 25.3  
 Stereotype, 25.7  
 Stock remedies, 102  
 Stone and gravel, 115  
 Stones, memorial, 119  
 Straws, 52.3  
 Straw, sales, 102.2  
 Street vendors and peddlers, 63  
 Subcontractor, money due, 160  
 Subcontractors, construction, 138.3  
 Subcontractors, defined, 140  
 Subcontractor, subject to audit, 163  
 Subcontractors supplying materials only, 140  
 Subpoena of records, 3  
 Subscriptions to magazines, 134, 190  
 Supplies sold to counties, cities and towns, 49  
 Supplies sold to retail stores, 44  
 Supplies to building owners or operators, 57  
 Surgeons and physicians, 90  
 Tags, labels and nameplates, 52.2  
 Tailors, property made to order, 58  
 Tax due  
   Bankruptcy, etc., 21.1  
   Imposed on seller, 10  
   Liability on used and secondhand tangible personal property, 10.1  
   Not to be included in price, 17  
   Payable to treasurer of the state, 11  
 Taxpayer's copy of return blank, 1.5  
 Taxpayers may appeal, hearing, 5, 6  
 Taxpayer's objection to assessments, 5  
 Taxpayer's returns confidential, 4  
 Tax, special, 29.2  
 Telephone and telegraph purchases, 121  
 Telephone, heat, gas and water service sold for public purposes, 49.1  
 Television purchases, 177.3  
 Tennis racket restringing and repairing, 74  
 Tents, fabrication thereof, 58  
 Theater admissions, 20  
 Tickets, complimentary, 111  
 Time and material contracts, 138.7  
 Time and place of filing, 11  
 Tire mileage contracts, 79.1  
 Tires, recapping and retreading, 79  
 Tire repairing and vulcanizing, 78  
 Tobacco, 29.2  
 Toilet preparation sales, excise tax, 37.2  
 Tonnage tax, federal, 37.6  
 Tools and equipment, contracts, 140  
 Tools and machinery purchased in other state, 151  
 Tools used by contractors, 152  
 Towel rentals, amusements, 111.3  
 Town purchases, 49  
 Trade-ins, 40, 189  
 Trade journals, newspapers, magazines, 77  
 Trade-ups, 40  
 Trading stamps, 32.1  
 Trailers  
   Defined, 39, 233  
   Application of tax (new), 39  
   Certificate of intent to register (new), 39  
   Dealers (new), 233  
   Dealers' requirements, 39



## Sales and use tax—Continued

## References to rules beginning on page 694

## Trailers—Continued

- Given as gifts, 214
- Homemade, 233.1
- Purchased for homes, 39
- Purchased for nonhighway use, 39
- Sale of, 38
- Sales or use tax due, 233
- Use tax paid to county treasurer, 200
- Train vendors, 105, 105.1
- Transformers, rewinding, 80
- Transient or itinerant sellers, 62
- Transit, goods damaged in, 34
- Transportation charges, 41
- Transportation, federal tax on, 37.6
- Treasurers, county, monthly reports, 201
- Trees, fruit and shade, 96
- Trucker, coal, 109
- Trucker engaged in retail business, 107
- Trucker, foreign, requirements, 110
- Truck gardener making sales, 30
- Trustee, receiver, executor and administrator, 45, 46
- Twine, binder, 136
- Twine, wrapping, 52
- Type, 25.7
- Undertakers and funeral directors, 129
- United States government sales, 10.2, 47
- United States postal cards, 72
- United States post office purchases, 47
- Upholsterers, 66
- Use or consumption, 12
- Use tax
  - Affidavit forms, 213
  - Application of law, 170
  - Bracket system, 186
  - Certificate of registration, 185
  - Collection by registered retailers, 183
  - Collection by motor vehicle division, 234
  - Collection reported by county treasurer, 201
  - Contractors (Iowa) forms, 150
  - Exemptions listed, 177
  - Goods coming into state, 55
  - Imposed on tangible property, 12
  - Incorrect affidavits, 232
  - Leased motor vehicles and trailers, 227
  - Measure of tax, 174
  - Motor vehicles, total delivered price, 12, 202, 203
  - Nature of, 12, 170
  - Penalties, 193
  - Property repaired outside of state, 179
  - Rate, 12, 174
  - Refund, claim, 197
  - Use tax or sales tax paid to another state, 178
- Use tax, defined, 171
- Use tax paid to county treasurer, 200
- Use tax returns
  - Consumers, 149, 175
  - Contract (nonresident), 147
  - Contract job, 151
  - Contract job, permission, 154
  - Contractors' quarterly periods, 148
  - Contractors required to file, 146
  - Dental laboratories (out of state), 198

## Sales and use tax—Continued

## References to rules beginning on page 694

## Use tax returns—Continued

- Information affidavits, 216
- Penalty for late filing, 193
- Property purchased on conditional sales basis, 176
- Registered retailers, quarterly periods, 184
- Retailers, 184
- Terms, defined, 172
- Trade-ins, computation of tax, 189
- Trailers, collection of tax by county treasurer, 39
- Trailers (new), 233
- Used merchandise, 10.1, 10.2
- Used motor vehicles, sales by dealers, 38
- Used vehicles, 200
- Vehicles
  - Exchange of, 212
  - Exemption, previous residence, 222
  - Federal and state owned, 210
  - Four affidavits, forms furnished, 213
  - Inherited, 211
  - Motor, use tax, 199
  - Out-of-state purchase price, 231
  - Repair shops and garages, 88
  - Repossessed, selling of, 209
  - To be transported out of state upon purchase, 223
  - Used, 200
- Vending machines, 59
- Vendors
  - Interstate, 181
  - Peddlers, 63
  - Registration and billing of use tax, 181
  - To use bracket system, 186
  - Train, 105
- Veterans hospitals, purchases, 47
- Veterinarians, 92
- Vitamin sales, 102
- Voluntary contributions, amusement, 111.1
- Washing and chassis lubrication, 81
- Washing, grading, crushing rock and gravel for sale, 26
- Watch, clock and jewelry repair, 67
- Water, gas, heat and telephone service sold for public purposes, 49.1
- Water pumping, 26
- Waxers, floor, 85
- Weed exterminators, 65.1
- Welding, shaping, fabricating iron and steel products for sale, 26
- Wholesale bakery containers, 52.4
- Wholesalers and jobbers selling at retail, 43
- Will-call orders, 10
- Wood mounts, 25.7
- Wrapping material, 52
- Sanitation, 48
- Scales, 45
- School buses, 428
- School lunch program, 403
- School personnel
  - See Public Instruction*
- Schools, state aid, 386
- State fair, 163
- State College of Iowa, 627
- Taxation
  - See Income Tax; Sales and Use Tax*

Teachers

*See Public Instruction*

Traveling library, 344

Travel trailers, 549

Tuberculosis care, 258

University of Iowa, 627

Veterans, 449

Veterinarians, 7

Warehouses, 107

Watchmakers, 768

Weights and measures, 45