

State of Iowa

1972

# IOWA DEPARTMENTAL RULES

JANUARY

1972

SUPPLEMENT

Containing

The permanent rules and regulations of general application promulgated by  
the state departments from July 1, 1971 to January 1, 1972



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**NOTICE**

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

## PREFACE

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

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

THE EDITORS

January 1972

## PUBLICATION OF DEPARTMENTAL RULES

Section 14.6 of the Code, subsection 5, 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 state-wide jurisdiction and authority to make such rules. The Code editor may omit from said volume all rules and regulations applying to professional and regulatory examining and licensing provisions and any rules and regulations of limited application and temporary rules. The Code editor may make reference in the volume as to where said omitted rules and regulations may be procured.

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

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

"The Code editor may provide cumulative, semiannual supplements for insertion in the latest published volume and a place shall be provided in the binding of such volume for insertion of such supplements."

## TABLE OF CONTENTS

	Page
<b>AGRICULTURE DEPARTMENT</b>	
Weights and Measures . . . . .	5
<b>CHEMICAL TECHNOLOGY REVIEW BOARD</b>	
Agricultural Chemicals . . . . .	5
<b>CIVIL RIGHTS COMMISSION</b>	
Employee Selection . . . . .	6
<b>COMMERCE COMMISSION</b>	
Warehouse Receipts . . . . .	11
<b>CONSERVATION COMMISSION</b>	
Snowmobile Registration . . . . .	12
<b>HEALTH DEPARTMENT</b>	
Communicable Diseases . . . . .	12
Mass Gatherings . . . . .	13
Plumbing Code . . . . .	14
Water Inspector – Fee . . . . .	21
Migratory Labor Camps . . . . .	21
Sanitary Disposal Projects . . . . .	24
<b>HIGHWAY COMMISSION</b>	
Escorts . . . . .	32
<b>MERIT EMPLOYMENT DEPARTMENT</b>	
Vacation and Leave . . . . .	32
<b>PHARMACY</b>	
Fees . . . . .	33
Controlled Substances . . . . .	34
<b>PUBLIC SAFETY DEPARTMENT</b>	
Flammable Liquids . . . . .	34
Fire Regulations . . . . .	38
Motor Vehicle Inspection . . . . .	59
Explosives . . . . .	92
Criminal Conspiracy Unit . . . . .	93
Criminalistics Laboratory . . . . .	93
<b>REGENTS BOARD</b>	
Traffic and Parking at Universities . . . . .	95
<b>SOCIAL SERVICES</b>	
Corresponding Numbers . . . . .	110
Aid to Blind . . . . .	110
Public Assistance . . . . .	113
<b>WATER POLLUTION CONTROL COMMISSION</b>	
Bypass of Sewage . . . . .	118

# IOWA

## DEPARTMENTAL RULES

JANUARY 1972

### AGRICULTURE DEPARTMENT

Pursuant to the authority of section 215.18 of the Code, Rule 14.33 (215), 1971 IDR 50, is amended as follows:

[Filed December 17, 1971]

Rule 14.33 (215) is amended by striking the words "National Bureau of Standards Hand-

book 44 - 3rd Edition and supplements thereto up to August 31, 1970" and inserting in lieu thereof the words "National Bureau of Standards Handbook 44 - 4th Edition".

[Effective January 1, 1972]

### CHEMICAL TECHNOLOGY REVIEW BOARD

Pursuant to the authority of section 206A.2 as amended by Senate File 326, First Session 64 G.A., and section 206.12 of the Code, Rules 1.1 (206A) and 1.3 (206A) filed February 17, 1971, relating to the use of agricultural chemicals are rescinded and the following adopted in lieu thereof.

[Filed August 18, 1971]

#### CHAPTER 1

#### AGRICULTURAL CHEMICALS

**1.1 (206A) Use of DDT and DDD.** Pesticides containing dichloro diphenyl trichloroethane (DDT) or dichloro diphenyl dichloroethane (DDD) shall not be distributed, sold or used except for control of pests of public health importance and pests subject to state or federal quarantines where applications of pesticides are made under the direct supervision of public health officials or state or federal quarantine officials.

**1.2 (206A) Use of inorganic arsenic.** Formulations of inorganic arsenic, including but not limited to arsenic trioxide, calcium arsenate, lead arsenate, potassium arsenite, sodium

arsenate, sodium arsenite and thioarsenite, shall not be distributed, sold or used as a pesticide for the purpose of preventing, destroying or repelling any weed, rodent or insect, except permits for the use of lead arsenate on bentgrass golf greens may be secured from the department of agriculture to permit the use of this material on only bentgrass golf greens by bona fide golf course operators. In granting the permits the department of agriculture will consider the location, amount of chemical, area to be treated and the time of application of chemical.

**1.3 (206A) Use of heptachlor.** Pesticides containing heptachlor shall not be distributed, sold or used for the purposes of preventing, destroying or repelling mosquitoes or flies.

**1.4 (206A) Use of lindane.** Formulations of pesticides containing lindane or crystalline lindane shall not be distributed, sold or used when the lindane is prepared, identified, packaged or advertised to be vaporized through the use of thermal vaporizing devices.

These rules are intended to implement chapters 206 and 206A.

[Effective August 18, 1971]

## CIVIL RIGHTS COMMISSION

Pursuant to the authority of section 105A.5 (9) of the Code, the Iowa civil rights commission adopts the following rules.

### PREAMBLE

The rules in this chapter are based on the belief that properly validated and standardized employee selection procedures can significantly contribute to the implementation of non-discriminatory personnel policies, as required by Title VII of the Civil Rights Act of 1964, 42 U.S.C. section 2000e, et seq. (referred to in this chapter as "Title VII") and the Iowa Civil Rights Act of 1965, Chapter 105A of the Code (referred to in this chapter as "Chapter 105A"). It is also recognized that professionally developed tests, when used in conjunction with other tools of personnel assessment and complemented by sound programs of job design, may significantly aid in the development and maintenance of an efficient work force and, indeed, aid in the utilization and conservation of human resources generally.

An examination of charges of discrimination filed with the U. S. equal employment opportunity commission, as well as the Iowa civil rights commission, and an evaluation of the results of compliance activities has revealed a decided increase in total test usage and a marked increase in doubtful testing practices which, based on our experience, tend to have discriminatory effects. In many cases, persons have come to rely almost exclusively on tests as the basis for making the decision to hire, transfer, promote, grant membership, train, refer or retain, with the result that candidates are selected or rejected on the basis of a single test score. Where tests are so used, minority candidates frequently experience disproportionately high rates of rejection by failing to attain score levels that have been established as minimum standards for qualification.

It has also become clear that in many instances persons are using tests as the basis for employment decisions without evidence that they are valid predictors of employee job performance. Where evidence in support of presumed relationships between test performance and job behavior is lacking, the possibility of discrimination in the application of test results must be recognized. A test lacking

demonstrated validity (i.e., having no known significant relationship to job behavior) and yielding lower scores for classes protected by Title VII and Chapter 105A may result in the rejection of many who have necessary qualifications for successful work performance.

The rules in this chapter are designed to serve as a workable set of standards for employers, unions and employment agencies in determining whether their selection procedures conform with the obligations contained in Title VII. Section 703 of Title VII and 105A.7 place an affirmative obligation upon employers, labor unions, and employment agencies, as defined in section 701 of Title VII and 105A.2, not to discriminate because of race, color, religion, sex, or national origin. Subsection (h) of section 703 of Title VII allows such persons " \* \* \* to give and to act upon the results of any professionally developed ability test provided that such test, its administration or action upon the results is not designed, intended or used to discriminate because of race, color, religion, sex, or national origin."

[Filed September 15, 1971]

### CHAPTER 2

#### EMPLOYEE SELECTION PROCEDURES

**2.1 (105A) "Test" defined.** For the purpose of the rules in this chapter, the term "test" is defined as any paper-and-pencil or performance measure used as a basis for any employment decision. The rules in this chapter apply, for example, to ability tests which are designed to measure eligibility for hire, transfer, promotion, membership, training, referral or retention. This definition includes, but is not restricted to, measures of general intelligence, mental ability and learning ability; specific intellectual abilities; mechanical, clerical and other aptitudes; dexterity and co-ordination; knowledge and proficiency; occupational and other interests; and attitudes, personality or temperament. The term "test" includes all formal, scored, quantified or standardized techniques of assessing job suitability including, in addition to the above, specific qualifying or disqualifying personal history or background requirements, specific

educational or work history requirements, scored interviews, biographical information blanks, interviewers' rating scales, scored application forms, etc.

**2.2 (105A) "Discrimination" defined.** The use of any test which adversely affects hiring, promotion, transfer or any other employment or membership opportunity of classes protected by Title VII and chapter 105A constitutes discrimination unless: (1) The test has been validated and evidences a high degree of utility as hereinafter described, and (2) the person giving or acting upon the results of the particular test can demonstrate that alternative suitable hiring, transfer or promotion procedures are unavailable for his use.

**2.3 (105A) Evidence of validity.**

**2.3 (1)** Each person using tests to select from among candidates for a position or for membership shall have available for inspection evidence that the tests are being used in a manner which does not violate 2.2 (105A). Such evidence shall be examined for indications of possible discrimination, such as instances of higher rejection rates for minority candidates than nonminority candidates. Furthermore, where technically feasible, a test should be validated for each minority group with which it is used; that is, any differential rejection rates that may exist, based on a test, must be relevant to performance on the jobs in question.

**2.3 (2)** The term "technically feasible" as used in these rules means having or obtaining a sufficient number of minority individuals to achieve findings of statistical and practical significance, the opportunity to obtain unbiased job performance criteria, etc. It is the responsibility of the person claiming absence of technical feasibility to positively demonstrate evidence of this absence.

**2.3 (3)** Evidence of a test's validity should consist of empirical data demonstrating that the test is predictive of or significantly correlated with important elements of work behavior which comprise or are relevant to the job or jobs for which candidates are being evaluated.

*a.* If job progression structures and seniority provisions are so established that new employees will probably, within a reasonable period of time and in a great majority of cases, progress to a higher level, it may be

considered that candidates are being evaluated for jobs at that higher level. However, where job progression is not so nearly automatic, or the time span is such that higher level jobs or employees' potential may be expected to change in significant ways, it shall be considered that candidates are being evaluated for a job at or near the entry level. This point is made to underscore the principle that attainment of or performance at a higher level job is a relevant criterion in validating employment tests only when there is a high probability that persons employed will in fact attain that higher level job within a reasonable period of time.

*b.* Where a test is to be used in different units of multiunit organization and no significant differences exist between units, jobs, and applicant populations, evidence obtained in one unit may suffice for the others. Similarly, where the validation process requires the collection of data throughout a multiunit organization, evidence of validity specific to each unit may not be required. There may also be instances where evidence of validity is appropriately obtained from more than one company in the same industry. Both in this instance and in the use of data collected throughout a multiunit organization, evidence of validity specific to each unit may not be required: Provided, that no significant differences exist between units, jobs, and applicant populations.

**2.4 (105A) Minimum standards for validation.**

**2.4 (1)** For the purpose of satisfying the requirements of this chapter, empirical evidence in support of a test's validity must be based on studies employing generally accepted procedures for determining criterion-related validity, such as those described in "Standards for Educational and Psychological Tests and Manuals" published by American Psychological Association, 1200 17th Street, N.W., Washington, D. C. 20036. Evidence of content or construct validity, as defined in that publication, may also be appropriate where criterion-related validity is not feasible. However, evidence for content or construct validity should be accompanied by sufficient information from job analyses to demonstrate the relevance of the content (in the case of job knowledge or proficiency tests) or the construct (in the case of trait measures). Evidence of content validity alone may be acceptable

for well-developed tests that consist of suitable samples of the essential knowledge, skills or behaviors composing the job in question. The types of knowledge, skills or behaviors contemplated here do not include those which can be acquired in a brief orientation to the job.

2.4(2) Although any appropriate validation strategy may be used to develop such empirical evidence, the following minimum standards, as applicable, must be met in the research approach and in the presentation of results which constitute evidence of validity:

a. Where a validity study is conducted in which tests are administered to applicants, with criterion data collected later, the sample of subjects must be representative of the normal or typical candidate group for the job or jobs in question. This further assumes that the applicant sample is representative of the minority population available for the job or jobs in question in the local labor market. Where a validity study is conducted in which tests are administered to present employees, the sample must be representative of the minority groups currently included in the applicant population. If it is not technically feasible to include minority employees in validation studies conducted on the present work force, the conduct of a validation study without minority candidates does not relieve any person of his subsequent obligation for validation when inclusion of minority candidates becomes technically feasible.

b. Tests must be administered and scored under controlled and standardized conditions, with proper safeguards to protect the security of test scores and to insure that scores do not enter into any judgments of employee adequacy that are to be used as criterion measures. Copies of tests and test manuals, including instructions for administration, scoring, and interpretation of test results, that are privately developed and are not available through normal commercial channels must be included as a part of the validation evidence.

c. The work behaviors or other criteria of employee adequacy which the test is intended to predict or identify must be fully described; and, additionally, in the case of rating techniques, the appraisal form(s) and instructions to the rater(s) must be included as a part of the validation evidence. Such

criteria may include measures other than actual work proficiency, such as training time, supervisory ratings, regularity of attendance and tenure. Whatever criteria are used they must represent major or critical work behaviors as revealed by careful job analyses.

d. In view of the possibility of bias inherent in subjective evaluations, supervisory rating techniques should be carefully developed, and the ratings should be closely examined for evidence of bias. In addition, minorities might obtain unfairly low performance criterion scores for reasons other than supervisors' prejudice, as, when as new employees, they have had less opportunity to learn job skills. The general point is that all criteria need to be examined to insure freedom from factors which would unfairly depress the scores of minority groups.

e. *Differential validity.* Data must be generated and results separately reported for minority and nonminority groups wherever technically feasible. Where a minority group is sufficiently large to constitute an identifiable factor in the local labor market, but validation data have not been developed and presented separately for that group, evidence of satisfactory validity based on other groups will be regarded as only provisional compliance with these rules pending separate validation of the test for the minority group in question. See 2.8 (105A). A test which is differentially valid may be used in groups for which it is valid but not for those in which it is not valid. In this regard, where a test is valid for two groups but one group characteristically obtains higher test scores than the other without a corresponding difference in job performance, cutoff scores must be set so as to predict the same probability of job success in both groups.

2.4 (3) In assessing the utility of a test the following considerations will be applicable:

a. The relationship between the test and at least one relevant criterion must be statistically significant. This ordinarily means that the relationship should be sufficiently high as to have a probability of no more than 1 to 20 to have occurred by chance. However, the use of a single test as the sole selection device will be scrutinized closely when that test is valid against only one component of job performance.



b. In addition to statistical significance, the relationship between the test and criterion should have practical significance. The magnitude of the relationship needed for practical significance or usefulness is affected by several factors, including:

(1) The larger the proportion of applicants who are hired for or placed on the job, the higher the relationship needs to be in order to be practically useful. Conversely, a relatively low relationship may prove useful when proportionately few job vacancies are available;

(2) The larger the proportion of applicants who become satisfactory employees when not selected on the basis of the test, the higher the relationship needs to be between the test and a criterion of job success for the test to be practically useful. Conversely, a relatively low relationship may prove useful when proportionately few applicants turn out to be satisfactory;

(3) The smaller the economic and human risks involved in hiring an unqualified applicant relative to the risks entailed in rejecting a qualified applicant, the greater the relationship needs to be in order to be practically useful. Conversely, a relatively low relationship may prove useful when the former risks are relatively high.

**2.5 (105A) Presentation of validity evidence.** The presentation of the results of a validation study must include graphical and statistical representations of the relationships between the test and the criteria, permitting judgments of the test's utility in making predictions of future work behavior. (See 2.4 (3) concerning assessing utility of a test.) Average scores for all tests and criteria must be reported for all relevant subgroups, including minority and nonminority groups where differential validation is required. Whenever statistical adjustments are made in validity results for less than perfect reliability or for restriction of score range in the test or the criterion, or both, the supporting evidence from the validation study must be presented in detail. Furthermore, for each test that is to be established or continued as an operational employee selection instrument, as a result of the validation study, the minimum acceptable cutoff (passing) score on the test must be reported. It is expected that each operational cutoff score will be reasonable and consistent

with normal expectations of proficiency within the work force or group on which the study was conducted.

**2.6 (105A) Use of other validity studies.**

In cases where the validity of a test cannot be determined pursuant to 2.3 (105A) and 2.4 (105A) (e.g., the number of subjects is less than that required for a technically adequate validation study, or an appropriate criterion measure cannot be developed), evidence from validity studies conducted in other organizations, such as that reported in test manuals and professional literature, may be considered acceptable when: (1) The studies pertain to jobs which are comparable (i.e., have basically the same task elements), and (2) there are no major differences in contextual variables or sample composition which are likely to significantly affect validity. Any person citing evidence from other validity studies as evidence of test validity for his own jobs must substantiate in detail job comparability and must demonstrate the absence of contextual or sample differences cited in "1" and "2" of this rule.

**2.7 (105A) Assumption of validity.**

2.7 (1) Under no circumstances will the general reputation of a test, its author or its publisher, or casual reports of test utility be accepted in lieu of evidence of validity. Specifically ruled out are: Assumptions of validity based on test names or descriptive labels; all forms of promotional literature; data bearing on the frequency of a test's usage; testimonial statements of sellers, users, or consultants; and other nonempirical or anecdotal accounts of testing practices or testing outcomes.

2.7 (2) Although professional supervision of testing activities may help greatly to insure technically sound and nondiscriminatory test usage, such involvement alone shall not be regarded as constituting satisfactory evidence of test validity.

**2.8 (105A) Continued use of tests.** Under certain conditions, a person may be permitted to continue the use of a test which is not at the moment fully supported by the required evidence of validity. If, for example, determination of criterion-related validity in a specific setting is practicable and required but not yet obtained, the use of the test may continue:

Provided: (1) The person can cite substantial evidence of validity as described in 2.6 (105A); and (2) he has in progress validation procedures which are designed to produce, within a reasonable time, the additional data required. It is expected also that the person may have to alter or suspend test cutoff scores so that score ranges broad enough to permit the identification of criterion-related validity will be obtained.

### 2.9 (105A) Employment agencies and employment services.

2.9 (1) An employment service, including private employment agencies, state employment agencies, and the U. S. Training and Employment Service, as defined in section 701 (c) of Title VII, or 105A.2, shall not make applicant or employee appraisals or referrals based on the results obtained from any psychological test or other selection standard not validated in accordance with these rules.

2.9 (2) An employment agency or service which is requested by an employer or union to devise a testing program is required to follow the standards for test validation as set forth in these rules. An employment service is not relieved of its obligation herein because the test user did not request such validation or has requested the use of some lesser standard than is provided in these rules.

2.9 (3) Where an employment agency or service is requested only to administer a testing program which has been elsewhere devised, the employment agency or service shall request evidence of validation, as described in the rules in this chapter, before it administers the testing program or makes referral pursuant to the test results. The employment agency must furnish on request such evidence of validation. An employment agency or service will be expected to refuse to administer a test where the employer or union does not supply satisfactory evidence of validation. Reliance by the test user on the reputation of the test, its author, or the name of the test shall not be deemed sufficient evidence of validity. See 2.7 (1). An employment agency or service may administer a testing program where the evidence of validity comports with the standards provided in 2.6 (105A).

2.10 (105A) **Disparate treatment.** The principle of disparate or unequal treatment

must be distinguished from the concepts of test validation. A test or other employee selection standard — even though validated against job performance in accordance with the rules in this chapter — cannot be imposed upon any individual or class protected by Title VII or chapter 105A where other employees, applicants or members have not been subjected to that standard. Disparate treatment, for example, occurs where members of a minority or sex group have been denied the same employment, promotion, transfer or membership opportunities as have been made available to other employees or applicants. Those employees or applicants who have been denied equal treatment, because of prior discriminatory practices or policies, must at least be afforded the same opportunities as had existed for other employees or applicants during the period of discrimination. Thus, no new test or other employee selection standard can be imposed upon a class of individuals protected by Title VII or chapter 105A who, but for prior discrimination, would have been granted the opportunity to qualify under less stringent selection standards previously in force.

2.11 (105A) **Retesting.** Employers, unions, and employment agencies should provide an opportunity for retesting and reconsideration to earlier "failure" candidates who have availed themselves of more training or experience. In particular, if any applicant or employee during the course of an interview or other employment procedure claims more education or experience, that individual should be retested.

2.12 (105A) **Other selection techniques.** Selection techniques other than tests, as defined in 2.1 (105A), may be improperly used so as to have the effect of discriminating against minority groups. Such techniques include, but are not restricted to, unscored or casual interviews and unscored application forms. Where there are data suggesting employment discrimination, the person may be called upon to present evidence concerning the validity of his unscored procedures as well as of any tests which may be used, the evidence of validity being of the same types referred to in 2.3 (105A) and 2.4 (105A). Data suggesting the possibility of discrimination exist, for example, when there are differential rates of applicant rejection from various minority and nonminority or sex groups for

the same job or group of jobs or when there are disproportionate representations of minority and nonminority or sex groups among present employees in different types of jobs. If the person is unable or unwilling to perform such validation studies, he has the option of adjusting employment procedures so as to eliminate the conditions suggestive of employment discrimination.

**2.13 (105A) Affirmative action.** Nothing in these rules shall be interpreted as diminishing a person's obligation under Title VII, Executive Order 11246 as amended by Execu-

tive Order 11375, or chapter 105A to undertake affirmative action to ensure that applicants or employees are treated without regard to race, color, religion, sex, or national origin. Specifically, the use of tests which have been validated pursuant to these rules does not relieve employers, unions or employment agencies of their obligations to take positive action in affording employment and training to members of classes protected by Title VII and chapter 105A.

[Effective September 15, 1971]

## COMMERCE COMMISSION

Pursuant to the authority of section 543.3 of the Code the rule appearing in 1971 IDR, Page 126, relating to cancellation of warehouse receipts is rescinded and the following adopted in lieu thereof.

[Filed December 7, 1971]

**12.12 (543) Cancellation of warehouse receipts.** Upon delivery of the commodity represented by a warehouse receipt, the original receipt must be marked canceled upon the face thereof by the warehouseman or his authorized agent, signed and dated. The warehouseman may then retain such warehouse receipt in his possession and present the receipt to be canceled with the commission's stamp at the time of any inspection or examination of his warehouse records.

If only a portion of the commodity represented by a negotiable warehouse receipt is delivered, such warehouse receipt shall be marked canceled upon the face thereof by the warehouseman or his authorized agent, signed and dated and forwarded to the commission to be stamped with the commission's cancellation stamp after which the receipt will be returned to the warehouseman and shall be kept as part of the warehouseman's permanent records. A new warehouse receipt must be issued covering the balance of the commodity remaining in storage at the time the original warehouse receipt is canceled.

Original warehouse receipts voided by the warehouseman for any reason shall be so marked, signed and dated and held to be stamped with the commission's cancellation

stamp in the same manner as cancelling any other warehouse receipt.

When a warehouse license is canceled or otherwise terminated, all unused warehouse receipts under such license shall be immediately surrendered to the commission for cancellation. Upon the cancellation or termination of a warehouse license all warehouse receipts which have been issued that are still outstanding must immediately be recalled, marked canceled, signed and dated by the warehouseman or his authorized agent and forwarded to the commission to be stamped with the commission's cancellation stamp after which said receipts will be returned to the warehouseman.

At the time such outstanding receipts are canceled due to the cancellation or termination of a warehouse license, all grain represented by such outstanding warehouse receipts must be returned to the warehouse receipt holder unless purchased and paid for by the warehouseman or a replacement warehouse receipt issued under a new warehouse license.

No commodity represented by an outstanding negotiable warehouse receipt shall be delivered until such outstanding warehouse 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 or purchased and payment made.

[Effective December 7, 1971]

## CONSERVATION COMMISSION

Pursuant to the authority of section 107.24 and section 321G.2, Code 1971, chapter 50, Snowmobiles, appearing in 1971 Iowa Departmental Rules, page 205, is hereby amended by adding the following.

[Filed December 15, 1971]

### DIVISION OF LANDS AND WATERS

50.2-50.4 Reserved for future use.

**50.5 (321G) Registration applied for card and proof of purchase.**

**50.5 (1) Procedure for registration applied for card - content.** The following information shall be furnished, required, and stated on the registration applied for card.

- a. Name and address of dealer.
- b. Make and model of snowmobile.
- c. Serial number of snowmobile.
- d. Present registration number (if any).
- e. Date of purchase.
- f. Name and address of purchaser.

The above required information shall be legibly printed on the card by the dealer selling the snowmobile. The card shall be completed

in duplicate and one copy returned forthwith to the state conservation commission.

**50.5 (2) Use.** The registration applied for card may be used only after an application for registration has been made to the county recorder. Placing a completed application for registration and required fee in the mail to the recorder shall constitute making an application.

**50.5 (3) Placement on machine.** The registration applied for card shall be placed on the forward portion of the machine in a position so as to be clearly visible at all times and shall be maintained in a legible manner.

**50.5 (4) Proof of purchase.** The operator of any snowmobile displaying a registration applied for card shall carry and display upon request of any peace officer a valid bill of sale for said snowmobile.

This rule is intended to implement chapter 321G, Code 1971, as amended by chapter 190, Acts of the Sixty-fourth General Assembly, First Session.

[Effective December 15, 1971]

## HEALTH DEPARTMENT

Pursuant to the authority of section 139.3 of the Code, the rules relating to communicable disease control found in the 1971 I.D.R. page 355 are amended by inserting in subrule 1.6 (1) T.I between "Smallpox" and "Whooping cough" the following:

[Filed August 31, 1971]

This rule is intended to implement section 139.3 of the Code.

[Effective September 30, 1971]

Disease	Period of Isolation	Period of Quarantine
Tuberculosis, proven or suspected infectious	When necessary precautions are not practiced, for such period of time as ordered by the commissioner of public health	None

## HEALTH DEPARTMENT (continued)

Pursuant to the authority of section 135.11 of the Code, the following rules are adopted.  
[Filed August 17, 1971]

### TITLE II CHAPTER 10

#### MASS GATHERINGS

**10.1 (135) T.II Definitions.** For the purpose of these rules, the following terms shall have the meaning indicated in this rule:

**10.1 (1)** "Attendant" means any person who obtains admission to an outdoor assembly by the payment of money or without charge.

**10.1 (2)** "Mass gathering" means an outdoor assembly which may be attended by more than one thousand attendants for a period of more than twelve hours duration. A mass gathering does not mean an event which is conducted or sponsored by a governmental unit or agency on publicly owned land or property or an event which is held within a permanent building constructed for the purpose of conducting such activities or similar activities.

**10.1 (3)** "Person" means an individual, group of individuals, partnership, firm, corporation or association.

**10.2 (135) T.II General prohibition.** No person shall sponsor, promote, operate, maintain or conduct a mass gathering unless he shall have complied with the requirements of these rules. Compliance with these rules does not exempt compliance with other federal and state statutes and regulations or local regulations and ordinances.

**10.3 (135) T.II Notice and plan.** Any person planning to sponsor, promote, operate, maintain or conduct a mass gathering shall notify the commissioner of public health at least thirty days before the date the event is scheduled to begin. The notice shall include the plan for compliance with the provisions of these rules.

**10.4 (135) T.II Requirements.** The following shall be provided and in operation at least twenty-four hours before the mass gathering is scheduled to begin:

**10.4 (1) Water supply.** All water shall be from a source approved by the state department of health. If water is not available in a pressure system, transportation vehicles must be approved by the state department of health.

*a.* For each twenty-four hour period, at least five thousand gallons of water shall be provided for each one thousand attendants. Water shall be continuously available.

*b.* At least eight outlets shall be provided for each one thousand attendants. One-half of the outlets shall be of fountain type. The outlets shall be conveniently located.

*c.* No common drinking cup shall be provided or allowed to be used.

**10.4 (2) Washing facilities.** Hand washing facilities with soap and paper towels shall be provided for use of food handlers. These facilities must be located conveniently to each food concession and kitchen.

**10.4 (3) Toilet facilities.**

*a.* The method of toilet waste disposal shall be approved by the state department of health.

*b.* All toilet facilities shall be enclosed and separate facilities shall be provided for each sex.

*c.* At least twenty toilet seats shall be provided for each one thousand attendants. Urinals for males shall be provided, in addition to toilet seats, at the rate of eight linear feet of trench per one hundred men.

*d.* Toilet facilities shall be conveniently located and be accessible for servicing.

*e.* Toilet facilities shall be kept clean and supplied with toilet tissue.

*f.* Toilet facilities shall be at least two hundred feet from food service facilities. Toilets for each sex shall be at least one hundred fifty feet apart.

**10.4 (4) Solid waste.** Receptacles for the collection of solid waste shall be located at convenient locations. The receptacles shall be readily accessible to collection vehicles. The pick up and removal of refuse, trash, garbage and rubbish shall be made at least once a day and more often if necessary. Final disposal

shall be to a site approved by the state department of health.

**10.4 (5) Medical facilities and personnel.** Each site shall be provided with an adequately staffed first aid station. Arrangements shall be made for ambulance service. There shall be some means of summoning an ambulance if required. The first aid station shall be readily accessible to ambulances.

**10.4 (6) Food service facilities.** All food service facilities must be inspected and approved by the state department of agriculture before operation.

**10.4 (7) Telephone.** At least one telephone shall be provided in a convenient location for each one thousand attendants.

**10.5 (135) T.II Violation of these rules.** Violation of these rules while the mass gathering is in progress, either by default of provision of required services or facilities or because of influx of greater number of attendants than anticipated, shall be grounds for immediately closing the mass gathering by order of the commissioner of public health or other legal means instituted by the commissioner or other state official.

These rules implement section 135.11 of the Code.

[Effective September 16, 1971]

## HEALTH DEPARTMENT (continued) [Plumbing Code]

Pursuant to the authority of sections 135.11 (8) and 135.12 of the Code, the rules forming the state plumbing code, Title III, chapters 1, 2, 3, 4, 7, 8, 9, 10, 11, 12 and 13, appearing in 1971 I.D.R. 365 through 399 are hereby amended as follows.

[Filed September 15, 1971]

**ITEM 1.** Page 365, by rescinding subrule 1.2(2) and inserting in lieu thereof the following:

**"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, faucet or appurtenance supplying water to a tank, plumbing fixture or other device and the flood level rim of the receptacle. An air gap in the drainage system is the unobstructed vertical distance through the free atmosphere between the lowest opening in a fixture or appliance drain and the flood-level rim of the receiving receptacle, floor drain, or other sewer inlet."

**ITEM 2.** Page 369, by striking from line 1 of subrule 2.4 (1) the words "double hub,".

**ITEM 3.** Page 371, by striking from lines 13 and 14 of subrule 2.22(1) the words "stream and lake pollution law, section 135.26 (Repealed)" and inserting in lieu there-

of the words "water pollution control law, section 455B.25".

**ITEM 4.** Page 371, by rescinding subrule 2.26 (1) and inserting in lieu thereof the following:

**"2.26 (1) Independent system.** Ventilation ducts from wash rooms and toilet rooms shall exhaust to the outer air or form an independent system."

**ITEM 5.** Page 372, by adding after subrule 2.27 (4) the following:

**"2.27 (5) Plastic.** Plastic closet bends and flanges may be used when approved by the local administrative authority."

**ITEM 6.** Page 372, by striking all of lines 9 through 41 of subrule 3.1 (3) and inserting in lieu thereof the following:

**"ANSI Standards approved by the American Standards National Institute Inc., 1430 Broadway, New York, N.Y. 10018.**

**ASTM Standards and Tentative Standards published by the American Society for Testing Materials, 1916 Race St., Philadelphia, Pennsylvania 19103.**

**FS Federal Specifications published by the Federal Specifications Board and obtained**

from the Superintendent of Documents, U. S. Government Printing Office, Washington, D. C. 20402.

**AWWA Standards and Tentative Standards** published by the American Water Works Association, 2 Park Avenue, New York, N.Y. 10016.

**MSS Standards** published by the Manufacturers Standardization Society of the Valve and Fittings Industry, 420 Lexington Avenue, New York, N.Y. 10017.

**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, D. C. 20402.

**PS Product Standards** will be used to identify all new commercial standards as well as all revisions of existing standards marked 'CS' for Commercial Standards or 'SPR' for Simplified Practice Recommendations. Product standards, commercial standards and simplified practice recommendations are obtainable from the Superintendent of Documents, Government Printing Office, Washington, D. C. 20402.

**SPR Simplified Practice Recommendations** representing recorded recommendations of the trade and issued by the United States Department of Commerce, Washington, D. C. 20402.

**NSF Standards and approvals** issued by the National Sanitation Foundation Testing Laboratories, Inc., 2355 W. Stadium Blvd., Ann Arbor, Michigan 48106."

ITEM 7. Page 373, by rescinding subrule 3.2 (1) and inserting in lieu thereof the following:

"3.2 (1) *Metal sheets.* Sheet lead shall not be less than four pounds per square foot for safe pans, three pounds per square foot for vent terminal flashings and shall have a minimum wall thickness of one-eighth inch for lead bends and traps. Sheet copper shall not be less than twelve ounces per square foot for safe pans and eight ounces per square foot for vent terminal flashings."

ITEM 8. Page 373, by rescinding subrule 3.2 (2) and inserting in lieu thereof the following:

"3.2 (2) *Plastic sheets.* Nonplasticized chlorinated polyethylene sheet plastic having a minimum thickness of .040 inch may be used for safe pans."

ITEM 9. Page 373, by adding to subrule 3.2 (5) the following:

"Plastic floor flanges marked to show conformance with applicable standards and also the National Sanitation Foundation Testing Laboratory may be used when specifically permitted in other sections of this code."

ITEM 10. Page 374 and 375, by rescinding table 3.5 (135), T.III, MATERIALS FOR PLUMBING INSTALLATIONS and inserting in lieu thereof the following:

**TABLE 3.5 (135) T.III MATERIALS FOR PLUMBING INSTALLATIONS**

Materials	ANSI	ASTM	FS	Other Standards Remarks
<b>Nonmetallic Piping</b>				
Clay Sewer Pipe and Fittings .....	--	--	SS-P-361D-1968	
Standard Strength Clay Sewer Pipe .....	A106.3-67	C13-69	SS-P-361D-1968	
Extra Strength Clay Sewer Pipe .....	--	C200-69	SS-P-361D-1968	
Clay Pipe Perforated .....	A106.1-69	C211-68	SS-P-359B-1960	CS143-60
Clay Drain Tile .....	A6.1-63	C4-62		
Concrete Sewer Pipe .....		C76-70	SS-P-375D-1970	Reinforced
Concrete Sewer Pipe .....		C14-70		
Bituminized Fiber Pipe & Fittings-Laminated .....		D1862-64		
Bituminized Fiber Pipe & Fittings-Homogenous .....		D1861-69		
Bituminized Fiber Pipe (Perforated Drainage) .....				CS116-54
Asbestos Cement Sewer Pipe .....		C428-71	SS-P-331C-1967	Non-Pressure
Asbestos Cement Water Pipe .....		C296-71	SS-P-351C-1968	
Plastic Water Pipe & Fittings, P.E. Series 2 & 3 .....	B72.1-67	D2239-69		PS11-69 nSf
Plastic Water Pipe & Fittings, Rigid ABS .....	B72.3-67	D2282-69a		PS19-69 nSf
Plastic Water Pipe & Fittings, Rigid PVC .....	B72.2-67	D2241-69		PS22-70 nSf
Plastic Pipe & Fittings, ABS Schedule 40 .....				nSf DWV
(DWV) Drainage, Waste & Vent .....		D2661-68	LP-322A-1966	CS270-65
Plastic Pipe & Fittings, PVC Schedule 40 .....				nSf DWV
(DWV) Drainage, Waste & Vent .....		D2665-68	LP-320A-1966	CS272-65
Plastic Sewer Pipe & Fittings, Styrene Rubber .....				CS228-61

TABLE 3.5 (135) T.III (Cont.)

<b>Ferrous Pipe and Fittings</b>				
Cast Iron Soil Pipe & Fittings	A112.5.1-1968	A74-69	WW-P-401D-1969	CS188-66
Cast Iron Water Pipe	A21.6-1970		WW-P-421C-1967	AWWA-C106-1970
Cast Iron (Threaded) Pipe	A40.5-1943		WW-P-356-1936	
Cast Iron (Screwed) Fittings	B16.4-1963		WW-P-501D-1967	
Cast Iron Drainage Fittings	B16.12-1965		WW-P-491B-1967	
Galvanized Pipe & Fittings			WW-P-406C-1969	
Wrought Iron Pipe (Welded)	B36.2-1969	A72-68		
Steel Pipe (Seamless & Welded) Black and Hot Dipped Zinc Coated (Galvanized)	B125.2-1970	A120-69	WW-P-406C-1969	
Malleable Iron Fittings (Threaded) 150 lbs	B16.3-1963		WW-P-521F-1968	
Unions, Malleable-Iron or Steel 300 lbs.				CS7-29
Valves, Cast Iron Gate 125 & 250 lbs.			WW-V-58B-1971	
Ferrous Bushings, Plugs & Lock Nuts (Threaded)			WW-P-471B-1970	
Nipples Pipe, Threaded			WW-N-351B(1)-1970	CS5-65
<b>Nonferrous Pipe and Fittings</b>				
Nonferrous Bushings, Plugs & Lock Nuts (Threaded)			WW-P-471B-1970	CS5-65
Brass Tubing, Seamless	H36.1-1969	B135-67	WW-T-791(1)-1933	
Brass Pipe, Seamless, Red	H27.1-1967	B43-70	WW-P-351A-1963	
Brass or Bronze Flanged Fittings 150 & 300 lbs.	B16.24-1962			
Cast Bronze Solder-Joint Fittings for Water Tube	B16.18-1963			
	(Addenda(a)1967)			
Brass or Bronze Screwed Fittings 125 & 250 lbs.	B16.15-1964		WW-P-460B-1967	
Copper Pipe-Seamless	H26.1-1967	B42-70	WW-P-377D-1962	
Copper Tube-Seamless	H23.3-1970	B75-68	WW-T-797C-1963	
Copper Pipe-Threadless	H26.2-1967	B302-70		
Copper Water Tube, Types K, L, M	H23.1-1970	B88-70	WW-T-799C-1967	
Wrought Copper and Wrought Bronze Solder Joint				
Pressure Fittings	B16.22-1963			
Cast Bronze Fittings for Flared Copper Tubes	B16.26-1967			
Copper Drainage Tube, Type DWV	H23.6-1967	B306-70		CS229-60
Valves, Bronze: Angle, Check & Globe, 125 & 150 lbs., Threaded & Flanged			WW-V-51D-1967	
<b>Miscellaneous</b>				
Caulking Lead			QQ-C-40(2)-1970	CS94-41
Sheet Lead			QQ-L-201F(2)-1970	
Sheet Brass		B36-69		
Leaded Brass		B121-66	QQ-B-613C-1967	
Sheet Copper		B152-68	QQ-C-576B(1)-1964	
Sheets, Galvanized Iron & Steel	G8.8-1937	A163-66	QQ-S-775D-1967	
Cement Lining	A21.4-1964			AWWA-C104-64
Coal Tar Enamel (Protective Coating)				AWWA-C203-66
Soft Solder			QQ-S-571D-1963	
Fixture Setting Compound			HH-C-536A-1954	
Air Gap Standards	A40.4-1942			
Backflow Preventers	A40.6-1943			
Hangers & Supports-Pipe			WW-H-171D-1970	
Compression Joints for Vitrified Clay Pipe		C425-71		
Rubber Gaskets for Cast Iron Soil Pipe & Fittings		CS64-70		
Gel-Coated Glass-Fiber Reinforced Polyester				
Resin Bathtub Units	Z-124.1-1967			
Gel-Coated Glass-Fiber Reinforced Polyester Resin				
Shower Receptor and Shower Stall Units	Z-124.2-1967			
Plumbing Fixtures Land Use			WW-P-541B(4)-1962	
Drinking Fountains	Z4.2-1942			
Domestic Hot Water Heaters	Z21.10.1-1966		WH-196F-1967	
Steel Septic Tanks				CS177-62

ITEM 11. Page 375, by rescinding subrule 4.2 (2) and inserting in lieu thereof the following:

“4.2 (2) *Threaded joints and screwed joints.* Threads shall conform to ANSI B32.1-1968, or current issue thereof. All burrs shall be removed. Pipe ends shall be reamed out full bore and all chips removed. Pipe jointing compounds shall be used only on male threads.”

ITEM 12. Pages 375 and 376, by striking from lines 6, 7 and 8 of subrule 4.2 (8) the words “accordance with section 6, Code for Pressure Piping, ASA B31.1-1955, or current

issue thereof.” and inserting in lieu thereof the following:

“accordance with ANSI B31.1.0-1967, or current issue thereof.”

ITEM 13. Page 376, by rescinding subrule 4.2 (15) and inserting in lieu thereof the following:

“4.2 (15) *Preformed gaskets.* Joints in cast iron soil pipe may be made using moulded elastomeric compression type gaskets as an alternate for and interchangeably with calked joints as described in subrule 4.2 (1) provided the pipe is centrifugally (spun) cast and of suitable design to provide a watertight joint.



The soil pipe and fittings and the gaskets shall be marked to show that they were manufactured in conformance with the applicable standards. See table 3.5, T.III."

ITEM 14. Page 376, by rescinding subrule 4.3 (3) and inserting in lieu thereof the following:

"4.3 (3) *Cast iron soil pipe.* Joints in cast iron soil pipe shall be calked as provided in subrule 4.2 (1) or made up using compression type joints as provided in subrule 4.2 (15)."

ITEM 15. Page 377, by rescinding subrule 4.3 (9) and inserting in lieu thereof the following:

"4.3 (9) *Rigid plastic pipe to metal soil and waste pipe.* Joints between rigid plastic pipe and metal pipe shall be made with suitable adapter fittings except that plastic pipe shall be attached to cast iron soil pipe as provided in subrule 4.2 (1)."

ITEM 16. Page 377, by striking from line 4 of subrule 4.4 (2) the letters and numerals "ASA B31.1-1955" and inserting in lieu thereof the following:

"ANSI B31.1.0-1967".

ITEM 17. Page 377, by adding to subrule 4.6 (1) the following:

"Plastic flanges may also be used when specifically permitted in other sections of this code."

ITEM 18. Page 380, by rescinding subrule 7.7 (3) and inserting in lieu thereof the following:

"7.7 (3) *Ball cocks.* Ball cocks for flushing tanks shall be of the antisiphon type, properly installed and shall provide for trap refill."

ITEM 19. Page 381, by rescinding subrule 7.14 (1) and inserting in lieu thereof the following:

"7.14 (1) *Design and construction.* Drinking fountains shall conform to American National Standards Institute specifications for drinking fountains, ANSI Z4.2-1942, or current issue thereof."

ITEM 20. Pages 381 and 382, by rescinding subrule 7.14 (2) and inserting in lieu thereof the following:

"7.14 (2) *Protection of water supply.* Stream projectors shall be so assembled as to provide an orifice elevation as specified by American National Standards Institute specifications ANSI A40.4-1942, relating to air gaps and ANSI A40.6-1943, relating to backflow preventers, or current issue thereof."

ITEM 21. Page 382, by rescinding subrule 7.16 (3) and inserting in lieu thereof the following:

"7.16 (3) *Air gap.* Dishwashing machines shall not be directly connected through a food waste grinder or to the drainage system without the use of an approved dishwasher air gap fitting on the discharge side of the dishwashing machine or similarly reliable method of connection to the drainage system."

ITEM 22. Page 382, by rescinding subrule 8.3 (2) and inserting in lieu thereof the following:

"8.3 (2) *Cast iron soil pipe.* Cast iron soil pipe shall be supported at five foot intervals except where ten foot lengths are used the pipe shall be supported at least every ten feet."

ITEM 23. Page 382, by rescinding subrule 8.3 (6) and inserting in lieu thereof the following:

"8.3 (6) *Plastic pipe.* Plastic pipe for DWV applications shall be supported at intervals of at least four feet."

ITEM 24. Page 382, by adding after subrule 8.3 (6) the following:

"8.3 (7) *In ground.* Piping in the ground shall be laid on a firm bed for its entire length."

ITEM 25. Page 383, by rescinding subrule 9.1 (3) and inserting in lieu thereof the following:

"9.1 (3) *Commercial dishwashing machines.* Dishwashing machines shall be connected to the water distribution system through an air gap or similarly reliable method of protection to the water supply. The contents of the machine shall be protected from the backflow of sewage or wastes through an air gap (air break) or similarly reliable method of connection to the drainage system."

ITEM 26. Page 383, by rescinding subrule 9.4(1) and inserting in lieu thereof the following:

"9.4(1) *Provision for air gap.* The air gap between an indirect waste pipe outlet and a drainage system component shall be at least twice the effective diameter of the indirect waste pipe served as follows:

a. By extending the indirect waste pipe to an open, accessible slop sink, floor drain, or other suitable fixture which is properly trapped and 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;

b. By providing a break (air gap) in the drain connection on the inlet side of the trap serving the fixture, device, appliance, or apparatus."

ITEM 27. Page 384, by striking from line 7 of subrule 10.2(1) the letters and numerals "ASA Z53.1-1953" and inserting in lieu thereof the following:

"ANSI Z53.1-1967".

ITEM 28. Page 384, by striking from line 6 of subrule 10.4(2) the letters and numerals "ASA A40.6-1943" and inserting in lieu thereof the following:

"ANSI A40.6-1943".

ITEM 29. Page 385, by striking from line 10 of subrule 10.4(3) the letters "ASA" and inserting in lieu thereof the following:

"ANSI".

ITEM 30. Page 385, by rescinding subrule 10.5(1) and inserting in lieu thereof the following:

"10.5(1) *Flushometer valves.* Flushometer valves shall be equipped with approved vacuum breakers. Vacuum breakers shall be installed on the discharge side of flushing valves with the critical level at least four inches above the overflow rim of the fixture served."

ITEM 31. Page 385, by rescinding subrule 10.5(2) and inserting in lieu thereof the following:

"10.5(2) *Flushing tanks.* Flushing tanks shall be equipped with approved antisiphon ball cocks. 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 higher than the opening of the overflow pipe."

ITEM 32. Page 385, by rescinding subrule 10.5(6) and inserting in lieu thereof the following:

"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 Air Gaps in Plumbing Systems, ANSI A40.4-1942, or current issue thereof."

ITEM 33. Page 385, by rescinding subrule 10.6(1) and inserting in lieu thereof the following:

"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, Type K copper or plastic. (See chapter 3, T.III, 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 so that the color marking is clearly visible at the time of inspection.

Plastic pipe and fittings marked to show approval by the National Sanitation Foundation Testing Laboratory may be used as a water service pipe when installed in accordance with the instructions of the manufacturer. It shall not be installed in any chase or tunnel that is heated or which contains hot water, hot air or steam piping. It shall terminate at a point not more than twelve inches inside the building wall, floor or foundation. When passed through or under a foundation wall or footing, or through a floor, the pipe shall be installed within a sleeve two pipe diameters larger in size. Provisions shall be made to accommodate the rate of expansion and contraction in plastic pipe being approximately ten times greater than that found in ferrous pipe and five times greater than that found in copper pipe. Flexible

plastic pipe shall be laid in snake fashion to provide a uniform slack of at least two inches per one hundred feet. Plastic pipe shall not be jacked or pulled. Plastic pipe used for water service lines shall be installed so that the markings will be clearly visible at the time of inspection at intervals of not more than five feet showing an internal diameter of not less than three-fourths inch, a pressure rating of at least one hundred and twenty-five pounds per square inch, the applicable CS or ASTM standard, name or trademark of the manufacturer, formulation identification code and approval of the National Sanitation Foundation by the National Sanitation Foundation insigne which shall also appear on the fittings along with the trademark of the manufacturer."

ITEM 34. Page 386 and 387, by rescinding subrule 10.10(1) and inserting in lieu thereof the following:

"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, T.III, 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 installation. Type K copper may be used under and above ground. Types L and M may be used above ground only. 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 show approval by the National Sanitation Foundation Testing Laboratory and having properties suitable for the purpose intended may be used underground outside of any structure for cold water purposes including sprinkler systems serving lawns, golf courses and similar installations. Provisions shall be made to accommodate the rate of expansion and contraction in plastic pipe being approximately ten times greater than that found in ferrous pipe and five times greater than that found in copper pipe. Flexible plastic pipe shall be laid in snake fashion to provide a uniform slack of at least two inches per one hundred feet. Plastic pipe shall not be jacked or pulled."

ITEM 35. Page 388, by rescinding subrule 11.1(2) and inserting in lieu thereof the following:

"11.1 (2) *Above ground piping within buildings.*

a. Soil and waste piping for a drainage system within a building shall be of cast iron, galvanized wrought iron, galvanized open-hearth iron, galvanized steel, lead, brass, seamless copper pipe or copper tubing Types K, L, M, DWV or plastic.

b. Seamless copper pipe or 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.

c. Plastic pipe and fittings except fixture traps and vent terminals, marked to show conformance with Commercial Standard CS270-65 or CS272-65, or current issue thereof, and standard number 14 of the National Sanitation Foundation Testing Laboratory, may be used in buildings not exceeding two stories in height under the following conditions:

(1) No vertical stack shall exceed thirty-five feet in height. No horizontal branch shall exceed fifteen feet in length.

(2) All installations shall be made in accordance with recommendations of the manufacturer when found specifically conforming with other sections of these rules and the installation procedures appearing in the appendix of the applicable commercial standard.

(3) Installations shall not be made in any space where the surrounding temperature will exceed 140° F.

(4) The acceptance of these materials is subject to withdrawal by amendment to these rules at any time they are found to be unsatisfactory."

ITEM 36. Page 388, by rescinding subrule 11.1(3) and inserting in lieu thereof the following:

"11.1 (3) *Underground piping within buildings.* Drains within buildings when underground shall be of cast iron, lead, or seamless copper pipe or copper tubing Types K or L. 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."

ITEM 37. Page 388, by rescinding subrule 11.1(4) and inserting in lieu thereof the following:

"11.1(4) *Fittings*. Fittings in the drainage system shall conform to the type of piping used."

ITEM 38. Page 388, by rescinding subrule 11.2(1) and inserting in lieu thereof the following:

"11.2(1) *Separate trenches*. The building sewer when installed in a separate trench from the water service pipe may be of cast iron soil pipe, vitrified clay or concrete sewer pipe.

Asbestos cement sewer pipe may be used at single or two family dwellings. Bituminized fibre sewer pipe may also be used at single and two family dwellings in a separate trench from the water service pipe if specifically permitted by municipal ordinance or county regulation.

For single or two family dwellings served by private sewage disposal systems, bituminized fibre or rigid plastic sewer pipe may be used for the building sewer. Joints shall be installed to remain watertight and rootproof."

ITEM 39. Page 388 and 389, by rescinding subrule 11.2(2) and inserting in lieu thereof the following:

"11.2(2) *One trench*. The building sewer when installed in the same trench with the water service pipe shall be of cast iron soil pipe or vitrified clay pipe installed to remain watertight and rootproof. When vitrified clay is used, the joints shall be made as specified in the first and second paragraphs of subrule 4.2(7). The water service pipe shall be installed as specified in subrule 10.6(2)."

ITEM 40. Page 391, by rescinding subrule 11.6(5) and inserting in lieu thereof the following:

"11.6 (5) *Offsets of more than 45°*. A stack with an offset of more than 45° from the vertical shall be sized as follows:

a. 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.

b. The offset shall be sized as for a building drain. (See table 11.5(2), T.III, column 5.)

c. The portion of the stack below the offset shall be sized as for the offset, or based on the total number of fixture units on the entire stack, whichever is the larger. (See table 11.5(3), T.III, column 4.)

d. A relief vent for the offset shall be installed as provided in chapter 12, T.III, and in no case shall a horizontal branch connect to the stack within two feet above or below the offset."

ITEM 41. Page 392, by rescinding subrule 12.1(3) and inserting in lieu thereof the following:

"12.1(3) *Above ground piping*.

a. Vent piping above ground shall be of cast iron, galvanized wrought iron, galvanized ferrous alloys, lead, brass, seamless copper pipe or copper tubing or plastic.

b. Seamless copper pipe or 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 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.

c. Plastic pipe and fittings marked to show conformance with Commercial Standard CS270-65 or CS272-65, or current issue thereof, and standard number 14 of the National Sanitation Foundation Testing Laboratory may be used in buildings not exceeding two stories in height and not including vent terminals under the following conditions:

(1) No vertical stack shall exceed thirty-five feet in height.

(2) All installations shall be made in accordance with recommendations of the manufacturer when found specifically conforming with other sections of these rules and the

installation procedures appearing in the appendix of the applicable commercial standard.

(3) Installation shall not be made in any space where the surrounding temperature will exceed 140° F.

(4) The acceptance of these materials is subject to withdrawal by amendment to these rules at any time they are found to be unsatisfactory."

ITEM 42. Page 392, by rescinding subrule 12.1(4) and inserting in lieu thereof the following:

"12.1(4) *Underground.* Vent piping placed underground shall be of cast iron soil pipe, lead, seamless copper pipe or copper tubing Types K or L. 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."

ITEM 43. Page 397, by rescinding subrule 13.2(4) and inserting in lieu thereof the following:

"13.2(4) *Building storm drains.* Building storm drains, which are underground and beneath the building, shall be of cast iron soil pipe, seamless copper pipe or copper tubing. Reinforced concrete pipe meeting ASTM specification C76-70, or current issue thereof, may be used as an alternate to the above described materials when specifically approved by the administrative authority."

These rules are intended to implement section 135.11(8) of the Code.

[Effective October 15, 1971]

## HEALTH DEPARTMENT (continued)

Pursuant to the authority of section 136A.15 of the Code, the rules appearing in the 1971 I.D.R. page 444 are amended by rescinding subrule 1.7(1) T.XIII and adopting the following in lieu thereof.

[Filed August 31, 1971]

"1.7(1) The fee for the initial certificate issued in each grade shall be five dollars, and

for each renewal three dollars. The initial certification fee includes the cost of taking the examination."

This rule is intended to implement section 136A.15 of the Code.

[Effective September 30, 1971]

## HEALTH DEPARTMENT (continued)

Pursuant to authority of section 138.18 of the Code the following rules are adopted.

[Filed August 31, 1971]

### TITLE XV

#### MIGRATORY LABOR CAMPS

#### CHAPTER 1

#### GENERAL RULES FOR MIGRATORY LABOR CAMPS

#### 1.1(138) T.XV Shelters.

1.1(1) *Heating season.* The season requiring artificial heating as provided in section 138.13 is designated as the period between September 15 and June 1.

1.1(2) *Minimum floor space requirements.* The following floor space requirements shall be provided:

a. At least fifty square feet per occupant for sleeping purposes only in family units and dormitory accommodations.

b. At least forty square feet per occupant for sleeping purposes only in accommodations using double bunk beds.

1.1(3) *Inspection.* The operator of a migrant labor camp shall be in possession of keys to all migrant shelters in order that inspections can be made of the facilities at any reasonable time.

1.1(4) *Register.* A register of all occupants of a migrant labor camp shall be maintained and open to inspection by the state department of health representatives at all times when the camp is occupied.

1.1(5) *Separate rooms.* Housing used for families with one or more children six years of age or older shall have a room or partitioned sleeping area for the husband and wife. The partition shall be of rigid materials and installed so as to provide reasonable privacy.

1.1(6) *Storage.* Arrangements for hanging clothing and storing personal effects for each person or family shall be provided.

### 1.2(138) T.XV Water supply.

#### 1.2(1) *General.*

a. The water supply shall be of a safe bacterial and chemical quality.

b. Where a public water supply is available, such water shall be used in the camp. If a private water source under pressure is provided, the water system shall be capable of delivering at least thirty-five gallons per person per day to the camp site.

c. Cistern supplies consisting of roof or other surface runoff water shall not be used for drinking or culinary purposes.

d. The adequacy of a well as a source of water for drinking or culinary purposes shall be determined by inspection and bacteriological examination. Defects found by inspection or contaminated samples shall be sufficient grounds for requiring repair, chlorination, or condemnation of the well.

e. Water containing forty-five or more parts per million nitrates shall not be used for drinking or preparation of formula for infants under one year of age. When the supply contains nitrates in the quantity above, water for infant feeding shall be obtained from another source that has been tested and found to be bacterially satisfactory and contain less than forty-five parts per million nitrates. A water supply containing forty-five or more parts per million of nitrates shall be placarded or posted stating the water shall not be used for infant feeding.

f. Wooden well platforms or manhole covers are prohibited.

g. Hand pump bases shall be of the solid one piece type bolted, including suitable gaskets, secured to the well casing by thread or weld connection. Hand pumps secured to the platform by bolts cast in the concrete shall be provided with a rubber or neoprene

gasket between the pump base and the platform to insure a watertight joint.

h. The pump head shall be of a type designed to prevent external water or other contaminating material from entering the water chamber.

i. The pump spout shall be of the closed, downward-directed type.

j. 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.

1.2(2) *Existing pump pits.* Existing pump pits may be approved if the construction conforms to the following minimum standards:

a. Walls, floor, and top of pit shall be of watertight concrete or masonry construction or equivalent. The well casing shall extend at least six inches above the pit floor.

b. A positive seal shall be provided for the annular opening between the casing wall and the drop pipe.

c. A positive drain shall be provided by either a watertight sump and automatic sump pump discharging with at least a six-inch free fall above the ground surface or an independent drain line discharging to the ground surface above any possible flood level. Pit drains discharging to any other drain or sewer are prohibited.

1.2(3) *Water supply systems.* The water supply system shall be installed so as to prevent backflow of contaminated water from appliances, fixtures, drains and sewers and shall have no cross-connections with any non-potable supply or any other water supply which does not comply with these requirements.

1.2(4) *Water tanks.* All water to be hauled for a camp shall be obtained from an approved source. All equipment used for hauling or storage of potable water shall be thoroughly cleaned and disinfected with a solution containing at least two hundred parts per million of chlorine immediately before use. No equipment, tanks or reservoirs used for hauling or storing potable water shall be used for any other purpose.

**1.3(138) T.XV Waste disposal.**

**1.3(1) Solid waste disposal.** Solid waste shall be disposed of in a sanitary disposal project approved by the state department of health, or if disposed of on the premises, the solid wastes shall be buried so as to create no health hazard or nuisance.

**1.3(2) Liquid waste.**

**a.** Existing wastewater disposal systems shall be located and constructed so as not to create a nuisance or condition of pollution.

**b.** Water-carriage toilets shall discharge to a septic tank and solid absorption system or other type disposal system approved by the state department of health located, designed and constructed in accordance with the specifications set forth in the state department of health publication "Residential Sewage Disposal Systems", the revision of April, 1970.

**c.** A leaching pit or other type disposal system approved by the state department of health shall be provided to receive the wastes from sinks, laundries, showers and tubs when no septic tank and absorption system is available. Such leaching pits shall be located and constructed in accordance with the specifications set forth in the state department of health publication "Residential Sewage Disposal Systems", the revision of April 1970.

**1.4 (138) T.XV Bathing facilities.**

**1.4(1) Showers** shall be supplied with hot and cold water under pressure. Shower enclosures shall be sufficient to provide privacy for the user. An adjacent, enclosed dry area shall be provided for dressing. No duckboards, mats, or other such accessories shall be permitted.

**1.4(2) Automatic water-heating equipment,** or storage tanks with hand fired heating coils, shall be equipped with combination pressure and temperature relief valves or separate pressure and temperature relief valves. Temperature relief valves shall be located in the top one-eighth or not more than three inches above the top of the tank served.

Pressure relief valves may be located adjacent to the tank. Gas-fired or other combustion type waterheaters shall be vented to the outside atmosphere.

**1.5 (138) T.XV Central dining facilities.**

**1.5 (1) Physical facilities.** When central dining facilities are provided by a concessionaire, operator, or the manager of a camp, the size of the kitchen and dining hall shall be commensurate with the capacity of the housing and shall be separate from the sleeping quarters.

**1.5 (2) Requirements.** When central cooking and eating facilities are provided by a concessionaire, operator, or the manager of a camp, such facilities shall comply with the laws and rules of the Iowa department of agriculture.

**1.6 (138) T.XV Safety and fire.****1.6 (1) Fire exits.**

**a.** Shelters of one story construction housing less than ten persons shall have two means of escape, one of which may be a readily accessible window with an openable space of at least twenty-four by twenty-four inches.

**b.** Sleeping quarters designed for ten or more persons, central dining facilities and common assembly rooms shall have at least two doors remotely separated so as to provide alternate means of escape.

**c.** Floors, above the first floor, used for sleeping quarters or common assembly rooms shall have a stairway and a permanent affixed exterior ladder or a second stairway.

**1.6(2) Shelter spacing.** In camps established after July 1, 1972, there shall be at least ten feet of space in all directions between shelters.

These rules are intended to implement section 138.18, Code 1971.

[Effective January 1, 1972]

## HEALTH DEPARTMENT (continued)

Pursuant to the authority of section 406.5, Code 1971, the following rules are adopted.

[Filed September 1, 1971]

### TITLE XXV

### SANITARY DISPOSAL PROJECTS

#### CHAPTER 1

#### DEFINITIONS

**1.1 (406) T.XXV Definitions.** For the purpose of these rules, the following terms shall have the meaning indicated in this chapter. The definitions set out in section 406.2 of the Code shall be considered to be incorporated verbatim in these rules.

**1.1 (1) "Commissioner"** means the Iowa commissioner of public health.

**1.1 (2) "Composting"** means the controlled, biological decomposition of selected solid organic waste materials under aerobic conditions resulting in an innocuous final product.

**1.1 (3) "Department"** means the Iowa state department of health.

**1.1 (4) "Flood plain"** means the area adjoining a river or stream which has been or may be hereafter covered by flood water.

**1.1 (5) "Garbage"** means all solid and semi-solid, putrescible animal and vegetable wastes resulting from the handling, preparing, cooking, storing, serving and consuming of food or of material intended for use as food, and all offal, excluding useful industrial by-products, and shall include all such substances from all public and private establishments and from all residences.

**1.1 (6) "High water table"** is the position of the water table which occurs in the spring in years of normal or above normal precipitation.

**1.1 (7) "Incineration"** means the processing and burning of waste for the purpose of volume and weight reduction in facilities designed for such use.

**1.1 (8) "Intermediate solid waste disposal"** means the site, facility, operating proce-

dures and maintenance thereof for the preliminary and incomplete disposal of solid waste, including but not limited to transfer, open burning, incomplete land disposal, incineration, composting, reduction, shredding or compression.

**1.1 (9) "Land pollution"** means the presence in or on the land of any solid waste in such quantity, of such nature and for such duration and under such condition as would affect injuriously any waters of the state, cause air pollution or create a nuisance.

**1.1 (10) "Open burning"** means any burning of combustible materials where the products of combustion are emitted into the open air without passing through a chimney or stack.

**1.1 (11) "Open dumping"** means the depositing of solid wastes on the surface of the ground or into a body or stream of water.

**1.1 (12) "Private agency"** is defined in section 28E.2 of the Code.

**1.1 (13) "Public agency"** is defined in section 28E.2 of the Code.

**1.1 (14) "Recycling"** means the reutilization of natural resources and man-made products.

**1.1 (15) "Refuse"** means putrescible and nonputrescible wastes, including but not limited to garbage, rubbish, ashes, incinerator ash, incinerator residues, street cleanings, market and industrial solid wastes and sewage treatment wastes in dry or semisolid form.

**1.1 (16) "Refuse collection service"** means a publicly or privately operated agency, business or service engaged in the collecting and transporting of solid waste for disposal purposes.

**1.1 (17) "Rubbish"** means nonputrescible solid waste consisting of combustible and non-combustible wastes, such as ashes, paper, cardboard, tin cans, yard clippings, wood, glass, bedding, crockery, or litter of any kind.

**1.1 (18) "Rubble"** means stone, brick, or similar inorganic material.

**1.1 (19) "Salvageable material"** means discarded material no longer of value for its



original purpose, but which has value if reclaimed.

1.1 (20) "Sanitary disposal" means a method of treating solid waste so that it does not produce a hazard to the public health or safety or create a nuisance.

1.1 (21) "Sanitary disposal project" is defined in section 406.2 of the Code.

1.1 (22) "Sanitary landfill" means a method of disposing of refuse on land by utilizing the principles of engineering to confine the refuse to the smallest practical area, to reduce it to the smallest practical volume and to cover it with a layer of earth at the conclusion of each day's operation or at such more frequent intervals as may be necessary so that no nuisance or hazard to the public health is created.

1.1 (23) "Shoreland" means land within three hundred feet of the high water mark of any natural or artificial, publicly or privately owned lake or any impoundment of water used as a source of public water supply.

1.1 (24) "Site" means any location, place or tract of land used for collection, storage, conversion, utilization, incineration or burial of solid wastes.

1.1 (25) "Solid waste" is defined in section 406.2 of the Code.

1.1 (26) "Solid waste collection" means the gathering of solid waste from public and private places.

1.1 (27) "Solid waste storage" means the holding of solid waste pending intermediate or final disposal.

1.1 (28) "Solid waste transportation" means the conveying of solid waste from one place to another by means of vehicle, rail car, water vessel, conveyor or other means.

1.1 (29) "Toxic and hazardous wastes" means waste materials, including but not limited to poisons, pesticides, herbicides, acids, caustics, pathological wastes, flammable or explosive materials and similar harmful wastes which require special handling and which must be disposed of in such a manner as to conserve the environment and protect the public health and safety.

1.1 (30) "Transfer station" means a fixed or mobile intermediate solid waste disposal

facility for transferring loads of solid waste, with or without reduction of volume, to another transportation unit.

These rules are intended to implement section 406.5 of the Code, 1971.

[Effective October 1, 1971]

Pursuant to the authority of section 406.5, Code 1971, the following rules are adopted.

## CHAPTER 2

### GENERAL CONDITIONS, PROHIBITIONS AND REQUIREMENTS

2.1 (406) T.XXV Permit required. A new sanitary disposal project shall not be established after the effective date of these rules until a permit is issued by the commissioner.

2.2 (406) T.XXV Details of plan proposals. Cities, towns, and counties and private agencies which are operating or planning to operate a sanitary disposal project shall file with the commissioner a plan on a form provided by the commissioner detailing the method proposed to comply with the requirements of chapter 406 of the Code of Iowa. The plan shall be filed with the commissioner prior to November 12, 1972.

#### 2.3 (406) T.XXV General conditions.

2.3 (1) A public or private agency dumping or depositing solid waste resulting from its own residential, agricultural, manufacturing, mining, commercial or other activities on land owned or leased by it must operate and maintain such sites so that they create no public health hazard or nuisance.

2.3 (2) All solid waste shall be stored, collected, transported, utilized, processed, reclaimed or disposed of in a manner consistent with requirements of these rules.

2.3 (3) The commissioner has the authority to grant such exceptions from these rules as he may consider proper and in the public interest.

#### 2.4 (406) T.XXV General prohibitions.

2.4 (1) Open dumping is prohibited except for rubble.

2.4 (2) No public or private agency shall dump or deposit solid waste on any land not

its own unless the site is leased or covered by satisfactory use agreements conveying to the agency such privilege.

2.4 (3) No disposal of toxic or hazardous wastes shall be made unless explicit instructions are first obtained from the commissioner of public health.

2.4 (4) Radioactive materials shall not be disposed of in a sanitary disposal project. Luminous timepieces are exempt.

2.4 (5) No permit shall be granted if the location of the site or operation of the facility does not conform to all applicable federal and state laws and local ordinances and regulations.

2.5 (406) T.XXV Storage, collection and transportation of solid waste.

2.5 (1) *Solid waste storage.* Public agencies shall be responsible for regulation of storage of all solid waste accumulated at a premise, business establishment or industry within their jurisdiction. Local regulations should include specifications for storage containers and provision for the adequate labeling of toxic and hazardous wastes. These regulations shall be adequate to prevent the creation of public health hazards and nuisances.

2.5 (2) *Collection and transportation.*

a. Where a refuse collection service is a part of a sanitary disposal project, the sanitary disposal project shall be responsible for the collection and transportation of all solid waste accumulated at services premises, business establishments and industries, in a manner free of hazard or nuisance, to an authorized solid waste disposal site or facility. Public or private agencies not a part of a sanitary disposal project which collect and transport solid waste to a sanitary disposal project shall be answerable for an operation free of hazard or nuisance to the public agency responsible for the sanitary disposal project.

b. Vehicles or containers used for the collection and transportation of garbage and similar putrescible wastes or refuse containing such materials shall be leakproof, durable and of easily cleanable construction. They shall be cleaned to prevent nuisances, pollution or insect breeding and shall be maintained in good repair.

c. Vehicles or containers used for the collection and transportation of any solid waste shall be loaded and moved in such a manner that the contents will not fall, leak or spill therefrom, and shall be covered to prevent blowing or loss of material. Where spillage does occur, the material shall be picked up immediately by the collector or transporter and returned to the vehicle or container and the area properly cleaned.

d. Vehicles and containers used for the collection and transportation of toxic and hazardous wastes shall be so constructed that they can be loaded, moved and unloaded in a manner that does not create a danger to public health or safety and in compliance with these rules and federal and state laws and local ordinances and regulations.

These rules are intended to implement section 406.5 of the Code, 1971.

[Effective October 1, 1971]

Pursuant to the authority of section 406.5, Code 1971, the following rules are adopted.

### CHAPTER 3

#### SANITARY LANDFILL

3.1 (406) T.XXV Plan for sanitary landfill. A plan proposing the use of a sanitary landfill shall be prepared by or under the direct supervision of an engineer in conformity with chapter 114, Code of Iowa, and submitted in triplicate and shall include the following supporting documents:

3.1 (1) A map or aerial photograph of the area showing land use and zoning within one-half mile of the solid waste disposal site. The map or aerial photograph shall be of sufficient scale to show all homes, buildings, lakes, ponds, watercourses, wetlands, dry runs, rock outcroppings, roads and other applicable details including topography and drainage patterns. Wells shall be identified on the map or aerial photograph. A U.S.C. and G.S. or U.S.G.S. Bench Mark should be indicated, if available, and a north arrow drawn. The boundaries of the solid waste disposal site will be indicated on the map or aerial photograph.

3.1 (2) A plot drawing of the site and the immediately adjacent area showing dimensions, topography with appropriate contour

intervals, drainage patterns, known existing drainage tiles, locations where any geologic samples were taken, all water wells with their uses and present and planned pertinent features including but not limited to roads, fencing and cover stockpiles. The scheme of development including any excavation, trenching and fill should be shown progressively with time and the monitoring methods to be used to insure compliance with the scheme shall be described. Cross-sectional drawings or other suitable evidence shall be provided showing progressively with time the original and proposed elevation of excavating, trenching, and fill. The plot drawing shall be in appropriate scale.

3.1 (3) An ultimate land use proposal, including intermediate use stages, with time schedules indicating the total and complete land use. Final elevation slope and permanent drainage structures of the completed landfill shall be included. Any supporting drawings to the ultimate land use proposal shall be in appropriate scale.

3.1 (4) A report shall accompany the drawings. It shall include data of the following types:

a. A stratigraphic section beneath the proposed site from the surface to and including at least five feet of the uppermost bedrock unit or to a depth of at least fifty feet of penetration into a homogenous till unit. The lithologies shall be described in terms of grain size distribution including the gravel, sand, silt, and clay classes and Atterberg limits shall be determined.

Samples of sediments and rock units shall be collected at five-foot intervals or when different lithologies are encountered, whichever is most frequent. Samples shall be identified by location and depth. The name of the person classifying the sediments shall be indicated. One complete set of unaltered sack samples shall be submitted with the application.

A drilling location plan and drilling log shall be submitted for each series of samples.

b. Source and characteristics of cover material if not included in the information submitted in paragraph 3.1 (4) "a", above.

c. Area of site in acres.

d. Owner of site.

e. An organization chart, personnel manning table and table of equipment for the

management, operation and maintenance of the site shall be prepared and submitted. A contingency plan covering equipment breakdown shall be included.

f. Information indicating that the proposed landfill is:

(1) So situated as to obviate any significant, predictable lateral leakage of leachates from the landfill to shallow unconsolidated aquifers that are in actual use or are deemed to be of potential use as a local water resource.

(2) So situated that the base of the proposed landfill is at least five feet above the high water table.

(3) Not in significant hydrologic subsurface or surface connection with standing or flowing surface water.

(4) Not situated in an unconsolidated sequence that will permit more than 0.04 cubic foot of liquid per day per square foot of area downward leakage into a subcropping bedrock or alluvial aquifer if such an aquifer is present beneath or adjacent to the proposed site. The potential downward leakage will be evaluated by means of the generalized Darcy's Law  $Q = PIA$  where:

$Q$  = feet<sup>3</sup> of liquid/day/foot<sup>2</sup> of area of the interface,

$P$  = coefficient of permeability of the unconsolidated confining unit,

$I$  = the hydrologic gradient derived by the function: piezometric head in the unconsolidated sediments minus the piezometric head in the bedrock aquifer divided by the thickness of the confining unit of lowest permeability nominated to retard downward migration of liquids or derived by other acceptable engineering practices, and

$A$  = one square foot of area at the base of the landfill.

(5) Outside a flood plain or shoreland, unless proper engineering and sealing of the site will render it acceptable and prior approval of the Iowa natural resources council and where necessary the U.S. Corps of Engineers is obtained.

(6) At least one thousand feet from any existing well that draws water for human or livestock consumption from an aquifer that underlies and is in hydrologic connection with the landfill. This is meant to include any bedrock aquifer that is the uppermost sub-

cropping bedrock unit beneath the unconsolidated sequence in which the landfill is to be developed.

(7) At least one mile from a municipal well or a municipal water intake from a body of static water or one mile upstream or one thousand feet downstream from a riverine intake, unless hydrologic conditions are such that a greater distance is required or a lesser distance can be permitted without an adverse effect on the water supply.

(8) Beyond five hundred feet at the time of commencement of construction of the sanitary landfill from the nearest edge of the right of way of any state highway or beyond one thousand feet from the nearest edge of the right of way of an interstate or federal primary highway, unless the site is screened by natural objects, planting, fences or other appropriate means so as not to be visible from the highway.

(9) Beyond five hundred feet from an occupied dwelling unless the site is screened by natural objects, planting, fences or by other appropriate means.

*g.* Should conditions in violation of subparagraphs 3.1 (4) "f" (1), (2), (3), (4) or (5) exist, the original plan must be engineered to effect equal protection to the water resources.

*h.* Information indicating compliance with chapter 2 of these rules.

*i.* Intended operating procedures shall include at least the following conditions:

(1) Open burning shall be prohibited except when permitted by the rules of the Iowa air pollution control commission. Any burning to be conducted by the sanitary disposal project shall be at a location separate and distinct from the sanitary landfill.

(2) Solid waste shall not be deposited in such a manner that material or leaching therefrom may cause pollution of ground or surface waters.

(3) Dumping of solid waste shall be confined to as small an area as practicable, and the area shall be surrounded with appropriate barriers to confine possible wind-blown material to the area. At the conclusion of each day of operation, any wind-blown material strewn beyond the confines of the area should be collected and returned to the area.

(4) The deposited refuse shall be uniformly distributed and compacted in layers with a height and operating face slope which will permit thorough compaction into cells.

(5) Refuse shall be compacted as densely as practicable and covered after each day of operation with a compacted layer of at least six inches of earth.

(6) Provision shall be made to have cover material available for winter operations.

(7) Each site shall be graded and provided with drainage facilities to minimize the flow of surface water onto and into the fill and to prevent erosion and the collection of standing water.

(8) A minimum distance of twenty feet shall be maintained between the disposal operation and the adjacent property line unless suitable arrangements have been made with the owner of the abutting property.

(9) Effective state-approved means shall be taken to control flies and other insects, rodents or vermin.

(10) The approach road to the disposal site shall be of all-weather construction and maintained in good condition.

(11) Equipment shall be available to control accidental fires in the sanitary landfill. Arrangements shall also be made with the local fire protection agency to acquire their services immediately when needed.

(12) Telephone or other adequate facilities shall be available for emergency purposes.

(13) Sanitary facilities and shelter shall be available on site.

(14) Scavenging shall be prohibited. Any salvaging to be permitted at the site must be described.

(15) An attendant shall be on duty at the site at all times while it is open for public use.

(16) The site shall be fenced to control access and a gate shall be provided at the entrance to the site and kept locked when an attendant is not on duty.

(17) A permanent sign shall be posted at the site entrance identifying the operation, showing the permit number of the

site, indicating the hours and days the site is open, specifying the penalty for unauthorized dumping, identifying the location, if any, on the site, which has been designated for disposal of toxic and hazardous wastes and providing other pertinent information.

(18) Within one month after final termination of the site or a major part thereof, the area shall be covered with at least two feet of compacted earth material, free from cracks and extrusions of refuse, adequately graded to allow surface water runoff.

(19) The finished surface of the filled area shall be repaired as required, covered with soil, and seeded with native grasses or other suitable vegetation immediately upon completion or promptly in the spring on areas terminated during winter conditions. If necessary, seeded slopes shall be covered with straw of similar material to prevent erosion.

(20) Prior to completion of a sanitary landfill site, the commissioner shall be notified in order that a site investigation may be conducted before earth-moving equipment is removed from the property.

These rules are intended to implement section 406.5 of the Code, 1971.

[Effective October 1, 1971]

Pursuant to the authority of section 406.5, Code 1971, the following rules are adopted.

#### CHAPTER 4

#### COMBUSTION IN AN INCINERATOR

4.1 (406) T.XXV Any sanitary disposal project using or planning to use incineration must obtain a permit.

4.2 (406) T.XXV Any sanitary disposal project incinerating or planning to incinerate toxic and hazardous waste must apply for a special permit for this purpose.

4.3 (406) T.XXV All incinerators must be approved as to design and operated in conformity with emission limitations imposed by rules of the Iowa air pollution control commission.

4.4 (406) T.XXV Application for permit will be submitted to the department on the

appropriate forms and shall include the following supporting documents:

4.4 (1) A map or aerial photograph in triplicate indicating land use and zoning within one-half mile of the facility. The map or aerial photograph shall be of adequate scale to show all homes, buildings, roads and other applicable details. Boundaries of the incineration site will be clearly indicated on the map or aerial photograph.

4.4 (2) Sets of plans and specifications in triplicate prepared by a registered engineer in conformity with chapter 114, Code of Iowa, clearly indicating the construction existing or to be undertaken. These plans and specifications shall include the location, type and height of all buildings within five hundred feet of the existing or proposed installation.

4.4 (3) An engineering report to include furnace design criteria, existing or expected performance data, the present and future population and extent of the area to be served by the incinerator, the characteristics, quantities and sources of the solid waste to be processed.

4.4 (4) Intended operating procedures including plans for the disposal of incinerator residue, the present or expected amount of such residue and plans for the emergency disposal of solid waste in the event of major breakdown of the incinerator plant.

a. The owner of the site and of the plant.

b. A personnel manning table for the actual operation and maintenance of the plant.

c. Information indicating compliance with chapter 2 of these rules.

d. Location, equipment, operation and maintenance of the incinerator plant shall be such that it produces only minimal interference with other activities in the area.

e. Availability of shelter and sanitary facilities for plant personnel.

f. A permanent sign at the site entrance identifying the operation, showing the permit number of the plant and indicating the hours and days that the plant is open for public use. Access to the plant shall be permitted only during those times when authorized personnel are on duty.

*g.* Confinement of all incoming solid waste to the unloading area. A minimum holding bin capacity of one and one-half times the twenty-four hour capacity of the incinerator shall be provided.

*h.* Provision of dust control facilities in the unloading and charging area.

*i.* An incinerator scale shall be available to permit proper charging weights during operation and to provide data for a record as to the total weight of material incinerated and resulting residue for planning and management purposes.

*j.* Supply of potable water for use of plant personnel and suitable source of water for spraying, heating, quenching, cooling and fire fighting.

*k.* Availability of adequate fire-fighting equipment, as recommended by the state fire marshal, in the storage and charging area and elsewhere as needed. Arrangements shall be made with the local fire protection agency to provide fire-fighting forces in an emergency.

*l.* Telephone or other adequate facilities shall be available for emergency purposes.

*m.* Cleaning of storage and charging areas after each day's operation or more often as may be required. The entire plant shall be maintained in a clean and sanitary condition.

*n.* Provision of necessary safety features at the charging openings and for all equipment throughout the plant.

*o.* Maintenance of the temperature in the combustion chambers during normal operation at a minimum of 1500°F. to produce a satisfactory residue and an odor-free operation. A continuously recording pyrometer shall be installed to maintain records of combustion chamber temperatures. These records shall be available for inspection by the commissioner upon request.

*p.* Proper deposit at an approved sanitary landfill site of all residue removed from the incinerator plant in a manner which will prevent the creation of nuisances, pollution and public health hazards.

*q.* Provision of timely notice to the commissioner prior to the initial operation of a newly constructed plant to permit inspection of the plant both prior to and during the

performance tests. Performance tests of newly constructed plants are required. A report detailing the results of such performance tests shall be prepared by the design engineer of the sanitary disposal project and shall be submitted to the commissioner with copies of all supporting data documents.

*r.* Existing incinerators which do not meet the requirements of this section shall be reconstructed to comply or an alternate method of sanitary waste disposal must be adopted.

*s.* Such additional data and information as may be required by the commissioner.

These rules are intended to implement section 406.5 of the Code, 1971.

[Effective October 1, 1971]

Pursuant to the authority of section 406.5, Code 1971, the following rules are adopted.

## CHAPTER 5

### COMPOSTING

**5.1 (406) T.XXV** Any sanitary disposal project disposing of solid waste by composting must obtain a permit granted by the commissioner prior to operation, installation or alteration of its facilities.

**5.2 (406) T.XXV** Application for a permit to operate, install or alter a composting facility shall be accompanied by the following supporting documents which shall be prepared by or under the direct supervision of an engineer in conformity with chapter 114, Code of Iowa:

**5.2 (1)** Maps or aerial photographs in triplicate indicating land use and zoning within one-half mile of the proposed facility. The map or aerial photograph shall be of adequate scale to show all homes, buildings, lakes, ponds, watercourses, wetlands, dry runs, rock outcroppings, roads and other applicable details and shall indicate the general topography of the area with appropriate contours and drainage patterns. Wells and locations where geologic samples were taken will be identified on the map or aerial photograph.

5.2 (2) Plans and specifications in triplicate clearly indicating the layout and construction proposed.

5.2 (3) Detailed information on geological formations underlying the actual or proposed site. Such information shall be determined by geologic samples or other appropriate means to a depth of at least twenty feet, or to the high water table.

5.2 (4) An engineering report describing the proposed facility, the present and future population and the area to be served by the composting unit and the characteristics, quantities and sources of solid waste to be processed.

5.2 (5) Intended operating procedures, including the proposed method and the use or disposition that is to be made of the processed material.

5.2 (6) Owner of the site and plant.

5.2 (7) An organization chart, personnel manning table and table of equipment for the management, operation and maintenance of the site shall be prepared and submitted. A contingency plan covering equipment breakdown shall be included.

5.2 (8) Information indicating compliance with chapter 2 of these rules.

5.2 (9) Such additional data and information as may be required by the commissioner.

5.3 (406) T.XXV Any composting operation must be conducted in a manner which minimizes pollution, public health hazards and creation of nuisances.

5.4 (406) T.XXV Materials resulting from composting or similar processes and offered for sale shall contain no pathogenic organisms, shall not reheat upon standing, shall be innocuous, and shall contain no sharp particles which would cause injury to persons handling the compost. Sale shall be in compliance with all applicable federal and state laws and local ordinances and regulations.

5.5 (406) T.XXV Noncompostible materials removed during processing shall be handled in a manner which will not produce pollution or nuisance and shall be disposed of by another satisfactory method as provided in these rules.

These rules are intended to implement section 406.5 of the Code, 1971.

[Effective October 1, 1971]

Pursuant to the authority of section 406.5, Code 1971, the following rules are adopted.

## CHAPTER 6

### RECYCLING

6.1 (406) T.XXV Any sanitary disposal project processing solid waste by recycling must obtain a permit from the commissioner.

6.2 (406) T.XXV Application to construct and operate an installation for the processing of solid waste to reclaim salvageable materials for recycling must be accompanied by the following supporting documents prepared by or under the direct supervision of an engineer in conformity with chapter 114, Code of Iowa:

6.2 (1) A map or aerial photograph showing land use and zoning within one-half mile of such installation. The map or aerial photograph shall be of sufficient scale to show all homes, buildings, roads and other applicable details. The boundaries of the recycling site shall be clearly indicated on the map or aerial photograph.

6.2 (2) Detailed engineering drawings of all buildings, conveyor lines, machines, intermediate holding area, loading and unloading docks, transfer points and such other appurtenances to the facility, and in addition, lines of flow for all waste and salvaged material handled by the facility must be included. Access and egress roads must be shown.

6.2 (3) Complete description of the method of handling reclaimed salvageable materials, the disposition of such materials, the transfer points to which they will be moved, capacities of such points and frequency of interchange must be shown.

6.2 (4) Such additional data and information as may be required by the commissioner.

6.3 (406) T.XXV Material which cannot be recycled shall be handled in a manner which will not produce pollution or nuisance and shall be disposed of by another satisfactory method as provided in these rules.

These rules are intended to implement section 406.5 of the Code, 1971.

[Effective October 1, 1971]

Pursuant to the authority of section 406.5, Code 1971, the following rule is adopted.

#### CHAPTER 7

#### OTHER METHODS OF WASTE HANDLING, PROCESSING AND DISPOSAL

7.1 (406) T.XXV Before a site or facility for any other method of solid waste handling, processing and disposal, including transfer sta-

tions not otherwise provided for in these rules, is constructed, an application accompanied by plans in triplicate, specifications, design data, ultimate land use and proposed operating procedures and such additional data and information as may be required shall be submitted to the commissioner for review before a permit can be issued. All such information shall be prepared by or under the direct supervision of an engineer in conformity with chapter 114, Code of Iowa.

This rule is intended to implement section 406.5 of the Code, 1971.

[Effective October 1, 1971]

### HIGHWAY COMMISSION

Pursuant to the authority of section 321E.15 of the Code, rule 2.4 (4) "b" appearing in 1971 IDR, page 488 relating to Operation and Movement of Vehicles and Loads of Excess Size and Weight, Escorting Civilian and Official, is amended as follows:

[Filed October 15, 1971]

Rule 2.4 (4) "b.", line five, is amended by inserting after the word "and" the words "may include any approved civilian escort,

with at least two years of escorting experience, authorized by the permit issuing authority as an official escort. Proof of such authorization must be carried by the escort in addition to the civilian escort authorization."

Further amend said rule by capitalizing at the end thereof the word "one".

[Effective October 15, 1971]

### MERIT EMPLOYMENT DEPARTMENT

Pursuant to the authority of chapter 19A of the Code, the rules appearing in the 1971 IDR Supplement, relating to vacation and leave (chapter 14), pages 604 to 607, are amended as follows:

[Filed August 18, 1971]

1. By striking rule 14.2 (19A) and paragraphs "a", "b", "c", "d" and "e" and inserting in lieu thereof:

"14.2 (19A) Vacation leave. A probationary or permanent classified employee shall earn vacation leave with full pay for continuous employment accrued on a monthly period as follows:

a. One week vacation during the first year of employment; three hours for the first month, three hours for the second month, four hours for the third month and similarly for succeeding three-month periods during the first year of employment.

b. Two weeks vacation during the second and through the fourth year of employment; six hours for the first month, six hours

for the second month, eight hours for the third month and similarly for succeeding three-month periods during the second and through the fourth year of employment.

c. Three weeks vacation during the first and through the eleventh year of employment; nine hours for the first month, nine hours for the second month, twelve hours for the third month and similarly for succeeding three-month periods during the fifth and through the eleventh year of employment.

d. Four weeks of vacation during the twelfth and all subsequent years of employment; twelve hours for the first month, twelve hours for the second month, sixteen hours for the third month and similarly for succeeding three-month periods during the twelfth and all subsequent years of employment.

e. After one year employment if a classified employee is terminated, other than discharge for good cause, he shall be paid the vacation he has earned and has not taken prior to termination.



2. In subrule 14.2 (2) by inserting at the beginning the words "Probationary or" before the words "Permanent part-time"

3. In subrule 14.2 (5) by striking the words in line 4 "to his estate, for any unused vacation leave accumulated to his credit on a calendar day basis" and inserting in lieu thereof: "according to law, for any unused vacation earned".

4. In subrule 14.2 (8) by striking from the end "accrued during the twelve months prior to termination" and inserting in lieu thereof: "earned".

5. By striking subrule 14.2 (11) and marking it "Reserve for future use."

6. By striking subrule 14.2 (12) and inserting in lieu thereof: "One week vacation shall be equal to the number of hours in the employee's normal work week."

7. By striking rule 14.3 (19A) and inserting in lieu thereof:

14.3 (19A) "Sick leave. A probationary or permanent classified employee shall be entitled to sick leave with full pay at the rate of two and one-half working days for each month of service.

SUBJECT TO THE FOLLOWING CONDITIONS:"

8. In subrule 14.3 (4) by striking "calendar" and inserting in lieu thereof: "working".

9. By striking subrule 14.3 (6) and inserting in lieu thereof:

"14.3 (6) Sick leave shall be taken on a working day basis. Officially designated holidays falling within a period of sick leave shall not be counted against sick leave."

10. In subrule 14.3 (8) at the beginning by inserting "Probationary and" before the words "Permanent part-time".

[Effective August 18, 1971]

## MERIT EMPLOYMENT DEPARTMENT

Pursuant to the authority of section 19A of the Code, the merit employment department rules, appearing in the 1971 IDR, are amended as follows:

[Filed December 23, 1971]

### CHAPTER 14

#### VACATION AND LEAVE

On page 606, line 40, rule 14.11 (19A) Military leave is hereby deleted and the following inserted in lieu thereof:

14.11 (19A) Military leave. A probationary employee or a permanent classified employee

who is a member of the national guard, organized reserve or any component part of the military, naval, air force or nurse corps of the state of Iowa or the United States or, who is or may otherwise be inducted into the military service of the state of Iowa or the United States shall, when ordered by proper authority to active state or federal service, be granted leave for the period of such active state or federal service, without loss of pay during the first thirty days of such leave of absence. Rights upon return from military leave shall be in accordance with the provisions of rule 14.8 (19A).

[Effective December 23, 1971]

## PHARMACY

Pursuant to the authority of section 155.19 of the Code, rules appearing in 1971 IDR, page 626, relating to fees for duplicate license and certification of grades are amended as follows:

[Filed September 29, 1971]

### ITEM 1

Rule 4.1 (147) line 3 is amended by striking

the words "one dollar" and inserting the words "two dollars".

### ITEM 2

Rule 4.4 (155) is rescinded.

[Effective September 29, 1971]

**PHARMACY  
(continued)**

Pursuant to the authority of section 301, Senate File 1 as amended, Acts of the 64th G.A., the rules appearing in 1971 IDR, page 627 relating to narcotic drugs, chapter 8 are rescinded and the following adopted in lieu thereof:

[Filed September 29, 1971]

**CHAPTER 8  
CONTROLLED SUBSTANCES  
(Drugs)**

**8.1 (64GA SF1) Drug control program administrator.** For the purpose of carrying out the regulatory provisions of Senate File 1, Acts of the 64th G.A., the secretary of the board of pharmacy shall serve as a "drug control program administrator".

**8.2 (64GA SF1) Who must register.** Manufacturers, distributors, individual practitioners (M.D., D.O., D.D.S., D.V.M., pharmacy), institutional practitioners (hospital), health care institutions (nursing, custodial and county homes), research and analytical laboratories, and teaching institutions shall register on

forms provided by the office of the drug control program administrator.

**8.3 (64GA SF1) Registration and re-registration fee.** For each registration or re-registration to manufacture, distribute, dispense, conduct research or institutional activities with controlled substances listed in schedules I through V of Senate File 1, the registrant shall pay a fee of five dollars.

**8.4 (64GA SF1) Exemptions - registration fee.** The requirement of registration fee is waived for the following federal and state institutions: Hospitals, health care or teaching institutions, and analytical laboratories authorized to possess, manufacture, distribute, and dispense controlled substances in the course of official duties.

These rules are intended to implement Senate File 1, section 302, Acts Sixty-fourth General Assembly.

[Effective September 29, 1971]

**PUBLIC SAFETY DEPARTMENT**

Pursuant to the authority of section 101.1 of the Code, rules appearing in 1971 IDR, pages 725-744 (Title III, chs. 14 to 24, inclusive) pertaining to the Flammable Liquid Code are hereby rescinded and the following adopted:

[Filed August 31, 1971]

**CHAPTER 14  
FLAMMABLE LIQUIDS CODE**

**14.1 (101) T.III Standard.** The standard of "Flammable and Combustible Liquids Code", No. 30, 1969 edition of the National Fire Protection Association with the exception of the following six sections: 2192, 7253, 7261, 7262, 7263, and 7264, together with its references to other specific pamphlets referred to and contained within the volumes of the National Fire Code, 1969-70 edition of the National Fire Protection Association published in 1969, shall be the rules governing flammable liquids in the state of Iowa.

**14.2 (101) T.III Storage, handling and use - plans approved.**

**14.2 (1) Before any construction or 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 chapter as written or as modified, shall forthwith signify his approval of the application either by endorsement 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 chapter as written or modified as aforesaid, he shall within the time aforesaid notify the applicant accordingly.**

**14.2 (2) 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 chapter as written or as modified. In the event of dispute as to whether the drawings or blueprints show conformity with the applicable requirements of this chapter as aforesaid the plans and drawings shall forthwith be submitted to the state fire marshal whose decision in the matter shall be controlling.

14.2 (3) Drawings shall show the name of the person, firm or corporation proposing the installation, the location thereof and the adjacent streets or highways.

14.2 (4) In the case of bulk plants the drawings shall show, in addition to any applicable features required under subrules 14.2 (6) and 14.2 (7) of this rule, the plot of ground to be utilized and its immediate surroundings on all sides; complete layout of buildings, tanks, loading and unloading docks; heating devices therefor, if any.

14.2 (5) In the case of service stations, the drawings, in addition to any applicable features required under subrule 14.2 (6) and 14.2 (7) of this rule, 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.

14.2 (6) 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 NFPA Pamphlet No. 30, 1969 Edition; 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 NFPA Pamphlet No. 30, 1969 Edition; the tank control valves as covered in Pamphlet No. 30, 1969 Edition; and the location of the pumps and other facilities by which liquid is filled into and withdrawn from the tanks.

14.2 (7) 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 NFPA Pamphlet No. 30, 1969 Edition; and the location of fill, gauge and vent pipes and openings as covered in NFPA Pamphlet No. 30, 1969 Edition.

14.2 (8) In the case of an installation for storage, handling or use of flammable liquids within buildings, or enclosure at any establishment or occupancy covered in this chapter, the drawings shall be in such detail as will show whether applicable requirements are to be met.

#### 14.3 (101) T.III Storage, handling and use.

14.3 (1) *Flammable liquid in fuel tanks of display vehicles not to include agency showrooms.* Where flammable liquid fueled vehicles are to be displayed at shows, or displays, the following safety precautions shall be taken:

- a. Fuel tanks shall contain a minimum amount of fuel, not more than one gallon.
- b. Fuel tanks fill cap shall be locked or sealed shut with gummed tape.
- c. Batteries shall be disconnected, or removed.
- d. Vehicles shall be displayed in roped off areas, and kept locked, unless an attendant is in the immediate area.
- e. Drapes, curtains, and decorative materials shall be of flameproofed material.

#### 14.3 (2) *Tank valves.*

a. *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.

b. *Emergency internal check valves.* In addition to any normal valves, there must be an extra valve at each pipe-line 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 pipe lines 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.

**14.3 (3) Venting.** 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; except tanks that were in compliance with the 1957 venting regulations as of the effective date of this amendment need not be corrected until such time of major remodeling.

**14.4 (101) T.III Bulk plants.** Property shall be kept free from weeds, high grass, rubbish and litter, and shall be kept neat, clean and orderly throughout.

**14.5 (101) T.III Service stations – buildings.**

**14.5 (1) Basements.**

a. 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.

b. Floor shall preferably be of concrete or other fire resisting materials.

**14.5 (2) Service pits.**

a. Except as otherwise provided in 14.5 (2), "c", 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.

b. 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.

c. 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 electrical 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 1,400 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.

**14.6 (101) T.III Handling.**

**14.6 (1) 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 individual sales up to ten gallons may be made in containers meeting the requirements of NFPA Pamphlet No. 30, 1969 Edition.

14.6 (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.

**14.7 (101) T.III Safety.**

14.7 (1) Premises shall be kept neat and clean, and free from rubbish or trash.

14.7 (2) Cleaning with gasoline, naphtha, or other highly flammable liquids of Class I shall not be permitted in or around the service station.

14.8 (101) T.III **Commercial and industrial establishments.** Exit facilities shall be provided to prevent occupants being trapped in the event of fire.

14.9 (101) T.III **Fire control.** Cleaning with gasoline, naphtha, or other highly flammable liquids of Class I shall not be permitted.

**14.10 (101) T.III Processing plants.**

14.10 (1) 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.

14.10 (2) 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.

14.10 (3) 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.

14.10 (4) 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.

14.10 (5) Cleaning with gasoline, naphtha, or other highly flammable liquids of Class I shall not be permitted.

Chapters 15 through 24 inclusive, are reserved for future use.

[Effective September 30, 1971]

**PUBLIC SAFETY DEPARTMENT  
(continued)**

Pursuant to the authority of section 101.1 of the Code rules filed August 31, 1971 (Title III, Ch. 14) pertaining to Flammable Liquids Code are hereby amended:

[Filed November 24, 1971]

Rule 14.3 (2) paragraph "b", line 2, is amended by inserting after the words "normal valves" the words "on aboveground tanks".

Rule 14.3 (3) line 2 is amended by inserting after the words "devices on" the word "aboveground".

[Effective December 24, 1971]

**PUBLIC SAFETY DEPARTMENT  
(continued)**

Pursuant to the authority of section 101.1 of the Code rules appearing in 1971 IDR page 744 (Title III, Ch. 26) are amended as follows:

[Filed August 31, 1971]

Strike from the chapter head the words "Farm Storage of Flammable Liquids" and

insert in lieu thereof the words "Storage of Flammable Liquids and Combustible Liquids on Farms and Isolated Construction Projects"

[Effective September 30, 1971]

**PUBLIC SAFETY DEPARTMENT  
(continued)**

Pursuant to the authority of section 101.1 of the Code rules relating to transportation and delivery of flammable liquids by tank

vehicles in 1971 IDR pages 745-752 (Title III, Ch. 27) are amended as follows:

[Filed August 31, 1971]

## ITEM 1.

Subrule 27.4 (5) is rescinded and the following adopted in lieu thereof:

"27.4 (5) *Lighting and marking.*

a. 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.

b. Every tank vehicle used for the transportation of any flammable liquid regardless of the quantity being transported, or whether loaded or empty, shall be conspicuously and legibly marked on each side and the rear thereof, in letters at least three inches high on a background of sharply contrasting color, optionally as follows:

(1) With a sign or lettering on the motor vehicle with the word "Flammable".

(2) With the common name of the flammable liquid being transported.

(3) With the name of the carrier or his trademark, when and only when such name or mark plainly indicated the flammable nature of the cargo."

## ITEM 2.

Subrule 27.4 (6) is amended by adding paragraph "c" as follows:

"c. The engine of a tank vehicle shall not be connected so as to allow its fuel supply to be part of the cargo tank, but shall be connected to its own fuel supply completely independent of the cargo tank."

[Effective September 30, 1971]

## PUBLIC SAFETY DEPARTMENT (continued)

Pursuant to the authority of section 100.35 of the Code the rules appearing in 1971 IDR, (Title III), Chapter 28, pages 752-758, are rescinded and the following adopted in lieu thereof.

[Filed October 12, 1971]

### CHAPTER 28 DIVISION I

#### ADULT FOSTER HOMES AND BOARDING HOMES

##### 28.1 (100) T.III Definitions.

28.1 (1) *Health care facility.* In these regulations "health care facility" or "facility" means any foster home or boarding home requiring licenses by the Iowa department of health in accord with chapter 135C.

28.1 (2) *Adult foster home.* "Adult foster home" means any private dwelling or other suitable place providing for a period exceeding twenty-four consecutive hours accommodation, board, and supervision, for which a charge is made, to not more than two individuals, not related to the owner or occupant of the dwelling or place within the third degree of consanguinity, who by reason

of age, illness, disease or physical or mental infirmity are unable to sufficiently or properly care for themselves, but who are essentially capable of managing their own affairs.

28.1 (3) *Boarding home.* "Boarding home" means any institution, place, building, or agency providing for a period exceeding twenty-four consecutive hours accommodation, board, and supervision to three or more individuals, not related to the administrator or owner thereof within the third degree of consanguinity, who by reason of age, illness, disease, or physical or mental infirmity are unable to sufficiently or properly care for themselves, but who are essentially capable of managing their own affairs.

28.1 (4) *Resident.* "Resident" means an individual admitted to a health care facility in the manner prescribed by chapter 135.23, who does not require daily services of a registered or licensed practical nurse. An employee of, or an individual related within the third degree of consanguinity to the administrator or owner of, a health care facility shall not be deemed a resident thereof for the purposes of this chapter solely by reason of being provided living quarters within such facility.

**28.1 (5) Ambulatory.** The term "ambulatory" when used in these standards shall mean a person who immediately and without aid of another, is physically or mentally capable of walking a normal path to safety including the ascent and descent of stairs.

**28.1 (6) Nonambulatory.** The term "nonambulatory" when used in these standards shall mean a person who immediately and without aid of another is not physically or mentally capable of walking a normal path to safety including the ascent and descent of stairs.

**28.1 (7) Competent.** Having sufficient physical and mental ability to react to an emergency and put into operation a plan for evacuation and extinguishment.

**28.1 (8) State fire marshal.** "State fire marshal" shall mean the chief officer of the division of fire protection as described in Chapter 100.1 of the Code of Iowa or one authorized to act in his absence.

**28.1 (9) Fire marshal.** "Fire marshal" means the state fire marshal, any of his staff, or "assistant state fire inspectors", carrying authorized cards signed by the state fire marshal.

**28.1 (10) Combustible.** The term "combustible" shall mean capable of undergoing combustion.

**28.1 (11) 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.

**28.1 (12) 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, or products of combustion.

**28.1 (13) 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 flammable liquids.

**28.1 (14) 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 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, American Insurance Association, 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.

**28.1 (15) Types of construction.** "Types of construction" shall be as defined in National Fire Protection Association Pamphlet No. 220, published in 1961.

**28.1 (16) Story.** A "story" shall mean that part of a building comprised between a floor and the ceiling next above. The first story shall be that story which is of such height above the ground that it does not come within the definition of a basement or cellar. However, if part of a basement qualifies for patient area, it shall be considered the first story.

**28.1 (17) 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.

**28.1 (18) Basement.** A "basement" or cellar, for these regulations, shall mean that

part of a building where the finish floor is more than 30 inches below the finish grade of the building.

**28.1 (19) Exit.** "Exit" is that portion of a means of egress which is separated from all other spaces of the building or structure by construction or equipment as required in these regulations to provide a protected way of travel to the exit discharge.

**28.1 (20) Exit access.** "Exit access" is that portion of a means of egress which leads to an entrance to an exit.

**28.1 (21) Exit discharge.** "Exit discharge" is that portion of a means of egress between the termination of an exit and a public way.

**28.1 (22) 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 for a minimum of one hour.

**28.1 (23) 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.

**28.1 (24) 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".

**28.1 (25) 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.

**28.1 (26) Fire wall.** The term "fire wall" shall mean a wall of approved material 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.

**28.1 (27) 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.

**28.1 (28) 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 Fire Protection Association.

**28.1 (29) Interior finish material.** Interior finish material shall be classified in accordance with the method of tests of surface burning characteristics of building material National Fire Protection Association Standard No. 255, Test Methods, Surface Burning - Building Materials, 1969. Classification of interior finish material shall be in accordance with tests made under conditions simulating actual installations, provided that the state fire marshal may by rule establish the classification of any material on which a rating by standard test is not available. Interior finish material shall be grouped in the following classes in accordance with their flame spread and related characteristics:

Class A. Interior finish flame spread 0-25.

Class B. Interior finish flame spread 25-75.

Class C. Interior finish flame spread 75-200.

**28.2 (100) T.III Adult foster home.**

**28.2 (1)** Resident may be housed in any private dwelling, but not above the second floor nor in basement or cellar. Nonambulatory residents are to be housed on first floor only.

**28.2 (2)** There shall be two separate means of exit from the residence.

**28.2 (3)** There shall be an approved fire extinguisher located on resident occupied floors as designated by the state fire marshal.

**28.2 (4)** Adult foster care homes shall have an approved means of outside communication such as a telephone, a private line if available.

**28.2 (5)** If residents are housed on an upper floor, there shall be an approved one-hour fire resistant separation at stairs, with a door, equivalent to 1 3/4 inch solid core wood. This door is to be kept closed at all times, except when



passing through opening. There shall be two approved means of egress from this upper floor.

28.2 (6) Occupancies not under the control of, or not necessary to, the administration of an adult foster home, are prohibited therein with the exception of the residence of the owner, or manager.

28.2 (7) Regular and proper maintenance of all electrical service, heating plant, and exit facilities, neat and proper housekeeping, shall be a requisite for an adult foster care home. Excessive, or improper, storage of combustible, or flammable, materials is prohibited.

### 28.3 (100) T.III Boarding homes.

#### 28.3 (1) *Classification.*

a. Frame or ordinary construction not over two stories in height: Class 1A shall include fifteen or less, residents and shall be equipped with an approved automatic fire detection and alarm system. Class 2A shall include sixteen or more residents and shall be equipped with an approved automatic sprinkler system.

#### b. *One-hour protected frame construction:*

Class 1B shall be one story only and be equipped with an approved automatic fire detection and alarm system.

Class 2B shall be two story, with twenty or less residents, and shall be equipped with an approved automatic fire detection and alarm system. Homes with twenty-one or more residents shall be equipped with an approved automatic sprinkler system.

#### c. *Noncombustible construction:*

Class 1C shall be one or two story homes and shall be equipped with an approved automatic fire detection and alarm system.

Class 2C shall be more than two stories and shall be equipped with an approved automatic sprinkler system.

#### d. *Fire-resistive construction any height:*

Class 1D shall be fire-resistive construction, any height, and shall be equipped with an approved automatic fire detection and alarm system.

e. New, or additional, construction, or structural alterations, shall be approved by the state fire marshal prior to work being started. Preliminary plans may be submitted for re-

view. Working plans and specifications shall be submitted to the state fire marshal for review and approval. Written approval by the state fire marshal shall be required prior to construction.

#### 28.3 (2) *Floor areas.*

a. All floors having a maximum occupancy above thirty persons, shall be divided into two sections by a one-hour fire wall or fire partition with ample room on each side for the total number of beds on each floor.

b. Corridor length between smokestop partitions, horizontal exits, or from either to the end of the corridor shall not exceed 150 feet on any resident occupied sleeping floor.

c. Any smokestop partition shall have at least a one-hour fire-resistance rating and shall be continuous from wall to wall and floor to floor or roof arch above. Openings in a smokestop partition shall be protected by fixed wire glass panels in steel frames, maximum size of 1296 sq. inches each panel or by 1¾-inch solid core wood doors with vision panel in each door, wire glass not over 720 sq. inches, as a minimum requirement. Such doors shall be self-closing or may be so installed that they may be kept in an open position provided they meet the requirements of paragraph "d". Doors in smokestop partitions are not required to swing with exit travel. Ample space shall be provided on each side of the barrier for the total number of occupants on both sides.

d. Any door in a fire separation, horizontal exit or a smokestop partition may be held open only by an approved electrical device. The device shall be so arranged that the operation of the required detection, alarm, or sprinkler system will initiate the self-closing action.

e. Every interior wall and partition in buildings of fire-resistive and noncombustible construction shall be of noncombustible materials.

f. Every resident sleeping room shall have an outside window or outside door arranged and located to permit the venting of products of combustion and to permit any occupant to have access to fresh air in case of emergency. Sill height not to exceed thirty-six inches above floor.

g. Interior finish shall be Class A or B, except in buildings equipped with an approved, complete automatic sprinkler system

Class C may be continued in use except in means of egress.

**28.3 (3) Exit details.**

a. Exits shall be of the following types or combinations thereof as defined by the National Fire Protection Association:

- (1) Horizontal exits.
- (2) Doors leading directly outside the buildings (without stairs).
- (3) Ramps.
- (4) Stairways, or outside stairs.
- (5) Seven-foot spiral slides. Approved only where installed prior to effective date of these regulations.
- (6) Exit passageways.
- (7) Smoke towers.

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, 4, 6, or 7, as listed above. Exterior fire escape stairs may be accepted as a second means of exit.

c. At least one required exit from each floor, resident occupied, above or below the first floor shall lead directly or through an enclosed 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. Travel distance (1) between any room door intended as exit access and an exit shall not exceed 100 feet; (2) between any point in a room and an exit shall not exceed 150 feet; (3) between any point in a resident occupied sleeping room or suite and an exit access door of that room or suite shall not exceed 50 feet. The travel distance in (1) or (2) above may be increased by 50 feet in buildings completely equipped with an automatic fire extinguishing system.

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. Panic hardware shall be installed on exit doors of boarding homes with over thirty residents.

**28.3 (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 44-inch wide stairway or ramp is the minimum permitted, slope of ramp shall be 1 to 1 3/16 in 12 or less.

**28.3 (5) Access.**

a. Every sleeping room, unless it has a door opening to the ground level, shall have an exit access door leading directly to a corridor which leads to an exit. One adjacent room such as a sitting or anteroom may intervene if all doors along the path of exit travel are equipped with nonlockable hardware.

b. Any required aisle, corridor, or ramp shall be not less than forty-four inches in clear width when serving as means of egress from resident sleeping rooms.

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 enclosed 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.

(1) All doorways to resident occupied spaces, and all doorways from resident occupied spaces, and the required exits shall be no less than thirty-two inches in width, thirty inch doors may be accepted in existing homes.

(2) Doors to resident rooms shall swing in, unless fully recessed, except any room accommodating more than four persons shall swing with exit travel.

(3) Residential type of occupancy room doors may be lockable by the occupant if they can be unlocked on the corridor side, and keys are carried by attendants at all times.

(4) Doors to basements, furnace rooms and hazardous areas shall be kept closed and marked, "FIRE DOOR - PLEASE KEEP CLOSED".

**28.3 (6) Protection of vertical openings.**

a. Each stairway between stories shall be enclosed with partitions having a one-hour fire-resistance rating, except that where a full enclosure is impractical, the required enclosure

may be limited to that necessary to prevent a fire originating in any story from spreading to any other story.

b. All doorways in stairway enclosures or partitions shall be provided with approved self-closing fire doors, except that no such doors shall be required for doorways leading direct outside the buildings, and all doors shall be kept closed unless held open by an approved electrical device, actuated by an approved smoke detection device located at top of stairwell, and connected to alarm system.

c. Any elevator shaft, light and ventilation shaft, chute, and other vertical opening between stories shall be protected as required above for stairways.

#### 28.3 (7) *Sprinkler system.*

a. Automatic fire extinguishing protection when required in 28.3 (1), shall be in accordance with approved standards for systems in light hazard occupancies, and shall be electrically interconnected with the manual fire alarm system. The main sprinkler control valve shall be electrically supervised so that at least a local alarm will sound when the valve is closed.

b. The sprinkler piping for any isolated hazardous area which can be adequately protected by a single sprinkler may be connected directly to a domestic water supply system having a flow of at least twenty-two gallons per minute at fifteen pounds per square inch residual pressure at the sprinkler. An approved shutoff valve shall be installed between the sprinkler and the connection to the domestic water supply.

#### 28.3 (8) *Fire detection and alarm system.*

a. There shall be an automatic fire detection system in all boarding homes except where there is a sprinkler system which shall include an approved manual fire alarm system.

b. Requirements for automatic fire detection systems. The system shall meet the following standards:

- (1) Automatically detect a fire.
- (2) Indicate at a central supervised point, the location of the fire.
- (3) Sound alarm signal throughout the premises for evacuation purposes.
- (4) Provide assurance the system is in operating condition by electric supervision.

(5) Provide auxiliary power supply in the event of main power failure.

(6) Underwriters Laboratory listed equipment to be used throughout system.

(7) Provide a manual test switch.

(8) Installation of equipment and wiring shall be in a neat and workmanship like manner, according to manufacturers instructions.

(9) Shall be tested by competent person at least semiannually. Date of test and name noted.

(10) To include smoke, or products of combustion, detection devices as required by any section of these regulations.

(11) Properly located manual alarm stations.

c. Where fire detection systems are installed to meet the requirements of this regulation, they shall be approved electrically supervised systems protecting the entire building, including unoccupied spaces, such as attics. Detectors shall be approved combined rate of rise and 135° F., or smoke, or products of combustion type and properly installed. Where fixed temperature devices are required, they shall be constructed to operate at 165° F or less, except that in spaces where high temperature is normal, devices having a higher operating point may be used. Operation of a detection, or alarm, device shall cause an alarm which is audible throughout the building.

d. Smoke, or products of combustion, detectors shall be installed at strategic locations such as corridors, hallways, or stairways. The confirmation of compliance with this requirement shall be by the fire marshal.

#### 28.3 (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 fire marshal.

#### 28.3 (10) *Heating and building service equipment.*

a. Air conditioning, ventilating, heating, cooking and other service equipment shall be in accordance with state regulations governing same, or nationally recognized standards such as National Fire Protection Association standards governing the type of equipment, and shall be installed in accordance with the manufacturer's specifications. Central heating plants shall be separated from resident occupied spaces by at least a one-hour fire separation. Activation of the alarm system shall shut down the air distribution system.

b. Portable comfort heating devices are prohibited.

c. Any heating device, other than a central heating plant, shall:

(1) Be so designed and installed that combustible material will not be ignited by it or its appurtenances.

(2) If fuel fired, be chimney or vent connected, take its air for combustion directly from the outside, and be so designed and installed to provide for complete separation of the combustion system from the atmosphere of the occupied area. In addition, it shall have safety devices to immediately stop the flow of fuel and shut down the equipment in case of either excessive temperatures or ignition failure.

#### EXCEPTIONS:

Approved suspended unit heaters may be used, except in means of egress and resident sleeping areas, provided such heaters are located high enough to be out of the reach of persons using the area and provided they are equipped with the safety devices called for in subparagraph (2) above.

Fireplaces may be installed and used only in areas other than resident areas, provided that these areas are separated from resident sleeping spaces by construction having a one-hour fire-resistance rating and they comply with the appropriate standards. In addition thereto, the fireplace must be equipped with a heat tempered glass fireplace enclosure guaranteed against breakage up to a temperature of 650° F. If, in the opinion of the fire marshal, special hazards are present, a lock on the enclosure and other safety precautions may be required.

d. Combustion and ventilation air for boiler, incinerator, or heater rooms shall be taken directly from and discharged directly to

the outside air. No incinerator flue shall connect to boiler or furnace flue.

e. Every incinerator flue, rubbish, trash or laundry chute shall be of a standard type, properly designed and constructed and maintained for fire safety. Any chute other than an incinerator flue shall be provided with automatic sprinkler protection installed in accordance with applicable standards.

An incinerator shall not be directly flue fed. Existing flue fed incinerators shall be sealed by fire-resistive construction to prevent further use. Any trash chute shall discharge into a trash collecting room, used for no other purpose and separated from the rest of the building with construction of at least one-hour fire-resistance rating, and provided with approved automatic sprinkler protection.

f. Cooking shall be prohibited except in approved food preparation areas.

#### 28.3 (11) Attendants, evacuation plan.

a. Every boarding home shall have at least one attendant on duty. This attendant shall be at least twenty-one 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. Every boarding 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. This plan is to be posted where all employees may readily study it. Fire drills shall be held at least once a month. Infirm or disturbed residents need not exit from building. Records of same to be kept available for inspection.

#### 28.3 (12) Smoking.

a. Smoking may be permitted in boarding homes only where proper facilities are provided. Smoking shall not be permitted in sleeping quarters or dormitories. "NO SMOKING" signs shall be posted in all resident rooms, stating the smoking regulations in that particular facility.

b. Ash trays of noncombustible material, and safe design, shall be provided in all areas where smoking is permitted.

**28.3 (13) Exit 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, four and one-half inches if internally illuminated. 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 corridor or passageways appurtenant thereto shall be properly illuminated at all times to facilitate egress in accordance with the requirements for exit lighting.

c. Emergency lighting system of an approved type shall be installed so as to provide necessary exit illumination in the event of failure of the normal lighting system within the building. An approved rechargeable battery powered, automatically operated device will be acceptable.

**28.3 (14) Combustible contents.**

a. Window draperies, and curtains for decorative and acoustical purposes shall be flame retardant.

b. Fresh cut flowers and decorative greens, as well as living vegetation, may be used for decoration, except those containing pitch or resin.

c. Carpeting, and carpet assembly, as installed, after effective date of these regulations, shall comply with the state fire marshal's specifications pertaining to same.

**28.3 (15) Occupancy restrictions.**

a. A resident bedroom shall not be located in a room where the finish floor is more than thirty inches below the finish grade at the building.

b. Occupancies not under the control of, or not necessary to, the administration of a boarding home, are prohibited therein with the exception of the residence of the owner or manager.

c. Nonambulatory residents shall be housed on the first floor only.

**28.3 (16) 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 boarding 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 boarding homes.

28.4 to 28.9 Reserved for future use.

[Effective November 11, 1971]

## PUBLIC SAFETY DEPARTMENT (continued)

Pursuant to the authority of section 100.35 of the Code the rules appearing in 1971 IDR, Title III, Chapter 28, pages 752-758, are rescinded and the following adopted in lieu thereof.

[Filed October 12, 1971]

### CHAPTER 28

#### DIVISION II

EXISTING AND NEW CUSTODIAL,  
BASIC NURSING, INTERMEDIATE  
NURSING, SKILLED NURSING HOMES  
AND EXTENDED CARE FACILITIES

**28.10 (100) T.III Definitions.**

**28.10 (1) Health care facility.** In these regulations "health care facility" or "facility" means any custodial home, basic nursing home, intermediate nursing home, skilled nursing home, or extended care facility requiring license by the Iowa department of health in accord with chapter 135C.6.

**28.10 (2) Custodial home.** "Custodial home" means any institution, place, building, or agency providing for a period exceeding twenty-four consecutive hours accommodation, board, and personal assistance in feeding,

dressing, and other essential daily living activities to three or more individuals, not related to the administrator or owner thereof within the third degree of consanguinity, who by reason of age, illness, disease, or physical or mental infirmity are unable to sufficiently or properly care for themselves or manage their own affairs, but who do not require the daily services of a registered or licensed practical nurse.

**28.10 (3) Basic nursing home.** "Basic nursing home" means any institution, place, building, or agency providing for a period exceeding twenty-four consecutive hours accommodation, board, and personal care and treatment or simple nursing care to three or more individuals, not related to the administrator or owner thereof within the third degree of consanguinity, who by reason of age, illness, disease, or physical or mental infirmity require domiciliary care, simple nursing care, or occasional skilled nursing care, but who do not require hospital or skilled nursing home care.

**28.10 (4) Intermediate nursing home.** "Intermediate nursing home" means any institution, place, building, or agency providing for a period exceeding twenty-four consecutive hours accommodation, board, and nursing care and supporting services as directed by a physician to three or more individuals, not related to the administrator or owner thereof within the third degree of consanguinity, who by reason of age, illness, disease, or physical or mental infirmity require continuous nursing care and related medical services, or occasional skilled nursing care, but who do not require hospital care.

**28.10 (5) Skilled nursing home.** "Skilled nursing home" means any institution, place, building, or agency providing for a period exceeding twenty-four consecutive hours accommodation, board, and the health care services necessary for certification as a skilled nursing home under Title XIX of the United States Social Security Act (Title XLII, United States Code, sections 1396 through 1396g), as amended to January 1, 1970, to three or more individuals not related to the administrator or owner thereof within the third degree of consanguinity.

**28.10 (6) Extended care facility.** "Extended care facility" means any institution, place, building, or agency providing for a period exceeding twenty-four consecutive hours accommodation, board, and the health

care services necessary for certification as an extended care facility under Title XVIII of the United States Social Security Act (Title XLII, United States Code, sections 1395 through 139511), as amended to January 1, 1970, to three or more individuals not related to the administrator or owner thereof within the third degree of consanguinity.

**28.10 (7) Patient.** "Patient" means an individual admitted to a custodial home, basic nursing home, intermediate nursing home, skilled nursing home, or extended care facility in the manner prescribed by chapter 135C.23 for care.

**28.10 (8) Bed patient.** The term "bed patient" shall mean a person who is not ambulatory as defined in these standards.

**28.10 (9) Ambulatory.** The term "ambulatory" when used in these standards shall mean a person who immediately and without aid of another, is physically or mentally capable of walking a normal path to safety including the ascent and descent of stairs.

**28.10 (10) Nonambulatory.** The term "nonambulatory" when used in these standards shall mean a person who immediately and without aid of another is not physically or mentally capable of walking a normal path to safety including the ascent and descent of stairs.

**28.10 (11) State fire marshal.** "State fire marshal" shall mean the chief officer of the division of fire protection as described in section 100.1 of the Code of Iowa or one authorized to act in his absence.

**28.10 (12) Fire marshal.** "Fire marshal" means the state fire marshal, any of his staff, or "assistant state fire inspectors", carrying authorized cards signed by the state fire marshal.

**28.10 (13) Competent.** Having sufficient physical and mental ability to react to an emergency and put into operation a plan for evacuation and extinguishment.

**28.10 (14) Combustible.** The term "combustible" shall mean capable of undergoing combustion.

**28.10 (15) 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.

**28.10 (16) 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.

**28.10 (17) 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 flammable liquids.

**28.10 (18) 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, American Insurance Association, 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.

**28.10 (19) Types of constructions.** "Types of construction" shall be as defined in National Fire Protection Association Pamphlet No. 220 published in 1961.

**28.10 (20) Story.** A "story" shall mean that part of a building comprised between a floor and ceiling or roof next above. The first

story shall be that story which is of such height above the ground, that is, does not come within the definition of a basement or cellar. However, if part of a basement qualifies for patient area, it shall be considered the first story.

**28.10 (21) 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.

**28.10 (22) Basement.** A "basement" or cellar for these regulations shall mean that part of a building where the finish floor is more than thirty inches below the finish grade at the building.

**28.10 (23) Exit.** "Exit" is that portion of a means of egress which is separated from all other spaces of the building or structure by construction or equipment as required in these regulations to provide a protected way of travel to the exit discharge.

**28.10 (24) Exit access.** "Exit access" is that portion of a means of egress which leads to an entrance to an exit.

**28.10 (25) Exit discharge.** "Exit discharge" is that portion of a means of egress between the termination of an exit and a public way.

**28.10 (26) 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 for a minimum of one hour.

**28.10 (27) 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.

**28.10 (28) 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".

**28.10 (29) 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.

**28.10 (30) 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.

**28.10 (31) 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.

**28.10 (32) Automatic sprinkler system.** The term "automatic sprinkler system" shall mean an arrangement of piping and sprinkler designated to operate automatically by the heat of fire and to discharge water upon the fire, according to the standards of the National Fire Protection Association.

**28.10 (33) Interior finish material.** Interior finish material shall be classified in accordance with the method of tests of surface burning characteristics of building material National Fire Protection Association Standard No. 255, Test Methods, Surface Burning — Building Materials, 1969. Classification of interior finish material shall be in accordance with tests made under conditions simulating actual installations, provided that the state fire marshal may by rule establish the classification of any material on which a rating by standard test is not available. Interior finish material shall be grouped in the following classes in accordance with their flame spread and related characteristics.

- Class A. Interior finish flame spread 0-25.
- Class B. Interior finish flame spread 25-75.
- Class C. Interior finish flame spread 75-200.

**28.10 (34) Panic hardware.** Panic hardware shall cause the door latch to release when pressure of not to exceed 15 pounds is applied to the releasing devices in the direction of exit travel. Such releasing devices shall be bars or panels extending not less than two-thirds of the width of the door and placed at heights not less than 30 nor more than 44 inches above the floor. Only approved panic hardware shall be used on exit doors.

**28.11 (100) T.III Existing custodial, basic nursing, intermediate nursing, skilled nursing homes and extended care facilities.**

**28.11 (1) Application.**

a. This subrule of the regulations shall apply to existing custodial, basic nursing, intermediate nursing, skilled nursing homes and extended care facilities. They shall hereafter be referred to as health care facilities. These regulations shall constitute the minimum requirements for existing homes for approval by the state fire marshal's office. Further, and more stringent, requirements may be required by other governmental divisions, or subdivisions, as a requirement for participation in various programs, or to comply with local codes and regulations. Any nursing or custodial home licensed and in operation on the effective date of these regulations shall be considered as complying with these regulations for existing nursing and custodial homes if they are in compliance with all requirements of this subrule. All existing nursing and custodial homes not in compliance with this subrule shall comply within one year from the effective date of these regulations.

b. The state fire marshal in enforcing the requirements of this subrule may modify them under the following two conditions:

(1) If the building in question was licensed as a nursing home or custodial care institution prior to adoption or amendment of these requirements.

(2) Only those requirements whose application would be clearly impractical in the judgment of the state fire marshal shall be modified.

c. Requirements may be modified by the state fire marshal to allow alternative arrangements that will secure as nearly equivalent safety to life from fire as practical; but in no case shall the modification afford less safety than compliance with the corresponding provisions contained in the following parts of these regulations. A reasonable time shall be allowed for compliance with any part of this subrule, commensurate with the magnitude of expenditure and the disruption of services. When alternate protection is installed and accepted, the institution shall be considered as conforming for purposes of these regulations.

d. No existing building shall be converted to a nursing home or custodial care institution unless it complies with all requirements for new buildings.

e. Additions or structural alterations to existing facilities must have written approval



from the state fire marshal, and must submit working plans and specifications for review and approval prior to work being started.

**28.11 (2) Floor areas.**

a. All floors having a maximum occupancy above thirty persons, shall be divided into two sections by a one-hour fire wall or fire partition with ample room on each side for the total number of beds on each floor.

b. Corridor length between smokestop partitions, horizontal exits, or from either to the end of the corridor shall not exceed 150 feet on any patient occupied sleeping floor.

c. Any smokestop partition shall have at least a one-hour fire-resistance rating and shall be continuous from wall to wall and floor to floor or roof arch above. Openings in a smokestop partition shall be protected by fixed wire glass panels in steel frames, maximum size of 1296 sq. inches each panel, or 1¾-inch solid core wood doors with vision panel in each door, wire glass not over 720 sq. inches, as a minimum requirement. Such doors shall be self-closing or may be so installed that they may be kept in an open position provided they meet the requirements of "d". Doors in smokestop partitions are not required to swing with exit travel. Ample space shall be provided on each side of the barrier for the total number occupants on both sides.

d. Any door in a fire separation, horizontal exit or a smokestop partition may be held open only by an approved electrical device. The device shall be so arranged that the operation of the required detection, alarm, or sprinkler system will initiate the self-closing action.

e. Every interior wall and partition in buildings of fire-resistive and noncombustible construction shall be of noncombustible materials.

f. Every patient sleeping room shall have an outside window or outside door arranged and located to permit the venting of products of combustion and to permit any occupant to have access to fresh air in case of emergency.

g. Interior finish of exit corridors, and means of egress, shall be Class A (flame spread of 25 or less). Interior finish of rooms shall be Class A or B (flame spread of 75 or less). If over four-bed capacity shall have Class A finish.

**28.11 (3) Exit details.**

a. Exits shall be of the following types or combinations thereof as defined by the National Fire Protection Association.

- (1) Horizontal exits.
- (2) Doors leading directly outside the buildings (without stairs).
- (3) Ramps.
- (4) Stairways, or outside stairs.
- (5) Seven-foot spiral slides. Approved only where installed prior to effective date of these regulations.
- (6) Exit passageways.
- (7) Smoke towers.

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, 4, 6, or 7, as listed above. Exterior fire escape stairs may be accepted 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 enclosed 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 exit to the outside.

d. Travel distance (1) between any room door intended as exit access and an exit shall not exceed 100 feet; (2) between any point in a room and an exit shall not exceed 150 feet; (3) between any point in a patient occupied sleeping room or suite and an exit access door of that room or suite shall not exceed 50 feet. The travel distance in (1) or (2) above may be increased by 50 feet in buildings completely equipped with an automatic fire extinguishing system.

e. Exit doors shall not be locked against the egress by bolt key locks, hooks or padlocks. A latch type lock is permissible that locks against outside entrance. Panic hardware shall be installed on exit doors accommodating over thirty patients.

**28.11 (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 served as stretchers. A standard forty-

four inch wide stairway or ramp is the minimum permitted, slope of ramp shall be 1 to 1 3/16 in 12. Where persons are to be carried on mattresses or stretchers, extra space may be needed to make turns at stair landings. Minimum dimension of a stair landing shall be sixty inches.

28.11 (5) *Access.*

a. Every sleeping room, unless it has a door opening to the ground level shall have an exit access door leading directly to a corridor which leads to an exit. One adjacent room such as a sitting or anteroom may intervene if all doors along the path of exit travel are equipped with nonlockable hardware.

b. Any required aisle, corridor, or ramp shall be not less than forty-eight inches in clear width when serving as means of egress from patient sleeping rooms. It shall be of such width and so arranged as to avoid any obstructions to the convenient removal of nonambulatory persons carried on stretchers or on mattresses serving as stretchers.

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 enclosed as required for stairways.

d. All rooms must be equipped with a door, at least 1 3/4-inch solid core wood, or equivalent. Divided doors shall be of such type that when the upper half is closed, the lower section shall close.

(1) No locks shall be installed on patient room doors, except for mentally disturbed patients, and an attendant, with key on person, shall be in view of this corridor at all times.

(2) All doorways to patient occupied spaces, and all doorways from patient occupied spaces, and the required exits shall be at least 42 inches in clearance width in nursing homes and 32 inches in custodial homes.

(3) Doors to patient rooms shall swing in except any room accommodating more than four persons shall swing with exit travel.

(4) Residential type of occupancy room doors may be locked by the occupant if they can be unlocked on the corridor side,

and keys are carried by attendants at all times.

(5) Doors to basements, furnace rooms, and hazardous areas shall be kept closed and marked, "FIRE DOOR - PLEASE KEEP CLOSED".

28.11 (6) *Protection of vertical openings.*

a. Each stairway between stories shall be enclosed with partitions having a one-hour fire-resistance rating, except that where a full enclosure is impractical the required enclosure may be limited to that necessary to prevent a fire originating in any story from spreading to another story.

b. All doorways in stairway enclosures 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, and all doors shall be kept closed unless held open by an approved electrical device, actuated by an approved smoke detection device located at top of stairwell, and connected to alarm system.

c. Any elevator shaft, light and ventilation shaft, chute and other vertical opening between stories shall be protected as required above for stairways.

28.11 (7) *Sprinkler system.*

a. Automatic fire extinguishing protection shall be provided throughout all health care facilities, covered in this regulation, except those of fire-resistive construction, of any height, or protected noncombustible construction not over one story in height, or one story one-hour protected frame construction.

b. Any required automatic sprinkler system shall be in accordance with approved standards for systems in light hazard occupancies, and shall be electrically interconnected with the manual fire alarm system. The main sprinkler control valve shall be electrically supervised so that at least a local alarm will sound when the valve is closed.

c. The sprinkler piping for any isolated hazardous area which can be adequately protected by a single sprinkler may be connected directly to a domestic water supply system having a flow of at least twenty-two gallons per minute at fifteen pounds per square inch residual pressure at the sprinkler. An approved shutoff valve shall be installed between the sprinkler and the connection to the domestic water supply.

**28.11 (8) Fire detection and alarm system.**

a. There shall be an automatic fire detection system in all health care facilities covered in this regulation, except where there is a sprinkler system which shall include an approved manual fire alarm system.

b. Requirements for automatic fire detection systems. The system shall meet the following standards:

- (1) Automatically detect a fire.
- (2) Indicate at a central supervised point the location of the fire.
- (3) Sound alarm signal throughout the premises for evacuation purposes.
- (4) Provide assurance the system is in operating condition by electric supervision.
- (5) Provide auxiliary power supply in the event of main power failure.
- (6) Underwriters Laboratory listed equipment to be used throughout system.
- (7) Provide a manual test switch.
- (8) Installation of equipment and wiring shall be in a neat and workmanship like manner.
- (9) Shall be tested by competent person at least semiannually. Date of test and name noted.
- (10) To include smoke, or products of combustion, detection devices as required by any rule in these regulations.
- (11) Properly located manual alarm stations.

c. Where fire detection systems are installed to meet the requirements of this regulation they shall be approved electrically supervised systems protecting the entire building, including unoccupied spaces such as attics. Detectors shall be approved, combined rate of rise and 135° F., or smoke, or products of combustion type and properly installed. Where fixed temperature devices are required, they shall be constructed to operate at 165° F., or less, except that in spaces where high temperature is normal, devices having a higher operating point may be used. Operation of a detection, or alarm, device shall cause an alarm which is audible throughout the building.

**28.11 (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 fire marshal.

**28.11 (10) Heating and building service equipment.**

a. Air conditioning, ventilating, heating, cooking and other service equipment shall be in accordance with state regulations governing same, or nationally recognized standards such as National Fire Protection Association standards governing the type of equipment, and shall be installed in accordance with the manufacturer's specifications. Central heating plants shall be separated from patient occupied spaces by at least a one-hour fire separation. Activation of the fire alarm system shall shut down the air distribution system.

b. Portable comfort heating devices are prohibited.

c. Any heating device, other than a central heating plant, shall:

(1) Be so designed and installed that combustible material will not be ignited by it or its appurtenances.

(2) If fuel fired, be chimney or vent connected, take its air for combustion directly from the outside, and be so designed and installed to provide for complete separation of the combustion system from the atmosphere of the occupied area. In addition, it shall have safety devices to immediately stop the flow of fuel and shut down the equipment in case of either excessive temperatures or ignition failure.

**EXCEPTIONS:**

Approved suspended unit heaters may be used, except in means of egress and patient sleeping areas, provided such heaters are located high enough to be out of the reach of persons using the area and provided they are equipped with the safety devices called for in item 2 above.

Fireplaces may be installed and used only in areas other than patient areas, provided that these areas are separated from patient sleeping spaces by construction having a one-hour fire-resistance rating and they comply with the

appropriate standards. In addition thereto, the fireplace must be equipped with a heat tempered glass fireplace enclosure guaranteed against breakage up to a temperature of 650° F. If, in the opinion of the fire marshal, special hazards are present, a lock on the enclosure and other safety precautions may be required.

d. Combustion and ventilation air for boiler, incinerator, or heater rooms shall be taken directly from and discharged directly to the outside air. No incinerator flue shall connect to boiler or furnace flue.

e. Every incinerator flue, rubbish, trash or laundry chute shall be of a standard type, properly designed and constructed, and maintained for fire safety. Any chute other than an incinerator flue shall be provided with automatic sprinkler protection installed in accordance with applicable standards.

An incinerator shall not be directly flue fed. Existing flue fed incinerators shall be sealed by fire-resistive construction to prevent further use. Any trash chute shall discharge into a trash collecting room, used for no other purpose and separated from the rest of the building with construction of at least one-hour fire-resistance rating, and provided with approved automatic sprinkler protection.

#### 28.11 (11) *Attendants, evacuation plan.*

a. Every health care facility covered in these regulations, shall have at least one competent attendant on duty on each floor, 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 employed as an attendant.

b. Every health care facility covered in these regulations 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. This plan is to be posted where all employees may readily study it. Fire drills shall be held at least once a month for each shift. Infirm or disturbed patients need not exit from building. Record of same to be kept available for inspection.

#### 28.11 (12) *Smoking.*

a. Smoking may be permitted only where proper facilities are provided. Smoking shall not be permitted in sleeping quarters, or dormitories, except bedfast patients, or persons considered not responsible, upon written orders of the patient's physician, under direct, responsible supervision, clothing, and bed linens to be of approved fire-retardant material, properly treated to be fire-retardant.

b. Ash trays of noncombustible material, and safe design, shall be provided in all areas where smoking is permitted.

c. "NO SMOKING" signs shall be posted in all patient occupied rooms, stating the smoking regulations in that particular facility.

#### 28.11 (13) *Exit 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, or four and one-half inches high if internally illuminated. 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.

c. Emergency lighting system of an approved type shall be installed so as to provide, automatically, the necessary exit illumination in the event of failure of the normal lighting system within the building. An approved, rechargeable, battery powered, automatically operated device will be acceptable.

#### 28.11 (14) *Combustible contents.*

a. All draperies, curtains, and cubicle curtains shall be noncombustible, or rendered and maintained flame retardant. Waste baskets to be of noncombustible, nonthermoplastic material.

b. Fresh cut flowers and decorative greens, as well as living vegetation, may be used for decoration, except those containing pitch or resin.

c. Carpeting, and carpet assembly, as installed, after effective date of these regulations, shall comply with the fire marshal's specifications pertaining to same.

**28.11 (15) Occupancy restrictions.**

a. A patient bedroom shall not be located in a room where the finish floor is more than thirty inches below the finish grade at the building.

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.

**28.11 (16) 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 paper cartons, magazines, paints, sprays, old clothing, furniture, and similar materials shall be prohibited at all times in nursing and custodial homes.

**28.12 (100) T.III New custodial, basic nursing, intermediate nursing, skilled nursing homes and extended care facilities.**

**28.12 (1) Application.**

a. New custodial, basic nursing, intermediate nursing, skilled nursing homes and extended care facilities shall be those constructed after the effective date of these regulations.

b. It shall also include the above type of health care facilities that are to be remodeled, or additions to existing facilities.

c. Any addition shall be separated from any existing nonconforming structure by a noncombustible partition having a two-hour fire-resistance rating.

d. This section of the regulations shall apply to new custodial, basic nursing, intermediate nursing, skilled nursing homes and extended care facilities. They shall hereafter be referred to as health care facilities. These regulations shall constitute the minimum requirements for new homes, or additions, for approval by the fire marshal's office. Further, and more stringent, requirements may be

required by other governmental divisions, or subdivisions as a requirement for participation in various programs, or to comply with local codes and regulations.

e. When new construction is contemplated for a facility, preliminary plans may be submitted for review. Working drawings, plans and specifications shall be submitted to the state fire marshal for review and approval. Written approval by the state fire marshal shall be required prior to construction.

**28.12 (2) Construction.**

a. Buildings of one story in height only may be constructed of protected noncombustible construction, fire-resistive construction, protected ordinary construction, protected wood frame construction, heavy timber construction, or unprotected noncombustible construction. (See 28.12 (9) for automatic sprinkler requirements.)

b. Buildings two stories or more in height shall be constructed of at least fire resistive construction.

c. Other types of construction not permitted.

d. The enclosure walls of stairways, ramps, exit passageway elevator shafts, chutes and other vertical openings between floors shall be of noncombustible materials having a fire-resistance rating of at least two hours in buildings of any height.

**28.12 (3) Division of floor areas.**

a. Each floor used for patient sleeping rooms, unless provided with a horizontal exit, shall be divided into at least two compartments by a smokestop partition.

b. Corridor length between smokestop partitions, horizontal exits, or from either, to the end of the corridor on any institutional sleeping floor shall not exceed 150 feet. Not more than thirty persons shall occupy any one such partitioned area.

c. Any smokestop partition shall have a fire-resistance rating of at least one hour. Such a partition shall be continuous from outside wall to outside wall and from floor slab to the underside of the slab above, through any concealed spaces such as between the hung ceiling and the floor or roof above. Such a partition shall have openings only in a public room or corridor. At least thirty net square feet per institutional occupant for the total number of institutional occupants in

adjoining compartments shall be provided on each side of the smokestop partition.

d. Any corridor opening in smokestop partitions shall be protected by a pair of swinging doors, each leaf to be a minimum of 44 inches wide. In addition, any smokestop door shall conform to the following minimum standards:

(1) Smokestop doors shall be at least 1¾-inch solid core wood doors designed to close the opening completely with only such clearance as is reasonably necessary for proper operation. Stops are required on the head and sides. Positive latching hardware and center mullions are prohibited.

(2) Smokestop doors shall be self-closing and may be held in an open position only if they meet the requirements of "e".

(3) Vision panels are required in all doors in smokestop partitions. They shall be wired glass in approved metal frames not exceeding 720 square inches.

e. Any door in a fire separation, horizontal exit or a smokestop partition may be held open only by an approved electrical device. The device shall be so arranged that the operation of the required detection, alarm or sprinkler system will initiate the self-closing action.

#### 28.12 (4) Exit details.

a. Exits shall be restricted to the following permissible types:

- (1) Doors leading directly outside the building.
- (2) Stairs and smokeproof towers.
- (3) Ramps.
- (4) Horizontal exits.
- (5) Outside stairs.
- (6) Exit passageways.

b. At least two exits of the above types, remote from each other, shall be provided for each floor or fire section of the building. At least one exit in each floor or fire section shall be as indicated in 1, 2, 5, or 6 as listed above.

c. At least one required exit from each floor above or below the first floor shall lead directly, or through an enclosed 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. Travel distance (1) between any room door intended as exit access and an exit shall not exceed 100 feet; (2) between any point in a room and an exit shall not exceed 150 feet; (3) between any point in a patient sleeping room or suite and exit access door of that room or suite shall not exceed fifty feet. The travel distances in (1) or (2) above may be increased by fifty feet in buildings completely equipped with an automatic fire extinguishing system.

e. Exit doors shall swing with egress and shall not be locked against the egress by bolts, key locks, hooks or padlocks. A latch type lock is permissible that locks against outside entrances. Panic hardware shall be installed on exit doors accommodating over thirty patients.

f. Every patient sleeping room shall have an outside window or outside door arranged and located so that it can be opened from the inside without the use of tools or keys to permit the venting of products of combustion and to permit any occupant to have direct access to fresh air in case of emergency. The maximum allowable sill height shall not exceed thirty-six inches above the floor except that the window sill in special nursing care areas may be sixty inches above the floor.

g. The capacity of any required exit shall be based on its width in units of twenty-two inches. The capacity of exits providing travel by means of stairs shall be twenty-two persons per exit unit; and exits providing travel without stairs, such as doors or horizontal exits shall be thirty persons per exit unit.

28.12 (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 44-inch wide stairway or ramp is the minimum permitted; slope of ramp shall be 1 to 1 3/16 in 12. Where persons are to be carried on mattresses or stretchers extra space may be needed to make turns at stair landings. Minimum dimension of a stair landing shall be sixty inches.

#### 28.12 (6) Access.

a. Each occupied room shall have at least one doorway open directly to the out-

side, or to a corridor leading directly or by a stairway or ramp to the outside.

b. Aisles, corridors and ramps required for exit access or exit shall be at least eight feet in clear and unobstructed width except that corridors and ramps in adjunct areas not intended for the housing, treatment or use of inpatients may be a minimum of six feet in clear and unobstructed width.

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 enclosed as required for stairways. Corridors shall be separated from use areas by walls having a fire-resistance rating of at least one-hour construction and without transfer grilles whether or not such grilles are protected by dampers actuated by fusible links.

d. Interior finish in means of egress shall be Class A. Interior finish of rooms may be Class A or B, except in rooms of over four capacity shall be Class A.

#### EXCEPTIONS:

(1) Doors between all rooms and corridors, other than doors to hazardous areas, horizontal exits or stair doors, shall be of no less than 1¾-inch solid-core wood doors and shall be without undercuts or louvers. The doors shall be provided with latches of a type suitable for keeping the door tightly closed and acceptable to the state fire marshal.

(2) Fixed wire glass vision panels may be placed in corridor walls, provided they do not exceed 1,296 square inches in size and are installed in approved steel frames. Fixed wired glass vision panels may be installed in wood doors, provided they do not exceed 720 square inches in size and are installed in approved steel frames.

(3) Waiting areas of 250 square feet or less on a patient occupied sleeping floor may be open to the corridor provided that they are located to permit direct supervision by the staff. Such areas shall be equipped with an electrically supervised automatic fire detection system actuated by smoke or products of combustion other than heat. Not more than one such waiting area is permitted in each smoke compartment.

(4) Waiting areas of 600 square feet or less on floors other than patient occupied sleeping floors may be open to the corridor, provided that they are located to permit direct supervision by the staff and so arranged as not to obstruct any access to required exits. Such areas shall be protected by an electrically supervised automatic fire detection system actuated by smoke or other products of combustion other than heat.

#### 28.12 (7) Doors.

a. 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.

b. No locks shall be installed on patient room doors, except for mentally disturbed patients, and an attendant, with key on person, shall be in view of this corridor at all times.

c. All doorways to patient occupied spaces, and all doorways between the patient occupied spaces and the required exits shall be at least forty-six inches in clear width.

d. Doors to patient rooms shall swing in, except any room accommodating more than four persons shall swing with exit travel.

e. Residential type of occupancy room doors may be lockable by the occupant, if they can be unlocked on the corridor side and keys are carried by attendants at all times.

f. Doors to basements, furnace rooms and hazardous areas shall be kept closed and marked, "FIRE DOOR — PLEASE KEEP CLOSED".

#### 28.12 (8) Protection of vertical openings.

a. Every stairway, elevator shaft, light and ventilation shaft, chute and other opening between stories shall be enclosed or protected to prevent the spread of fire or smoke.

(1) Each floor opening, as specified, shall be enclosed by substantial walls having fire-resistance not less than required for stairways, with approved fire doors or windows provided in openings therein, all so designed and installed as to provide a complete barrier to the spread of fire or smoke through such openings.

(2) The enclosing walls of floor openings serving stairways or ramps shall be so arranged as to provide a continuous path of escape, including landing and passageways, providing protection for persons using the

stairway or ramp against fire or smoke therefrom in other parts of the building. Such walls shall have fire resistance as follows:

New buildings four stories or more in height, two-hours noncombustible construction.

Other new buildings, one-hour.

Wired glass in metal frames may be accepted in existing buildings and in new buildings.

b. A door in an exit stairway enclosure shall be self-closing, and shall normally be kept closed and shall be marked, "FIRE EXIT - PLEASE KEEP DOOR CLOSED".

#### 28.12 (9) *Automatic sprinklers.*

a. Automatic fire extinguishing protection shall be provided throughout all health care facilities covered in this regulation, except those of fire-resistive construction, or one-story protected noncombustible construction. (28.12 (2)).

b. Required automatic sprinkler systems shall be in accordance with approved standards for systems in light hazard occupancies, and shall be electrically interconnected with the fire alarm system. The main sprinkler control valve shall be electrically supervised so that at least a local alarm will sound when the valve is closed.

#### 28.12 (10) *Fire alarm and detection system.*

a. Where fire detection systems are installed to meet the requirements of this regulation, they shall be approved electrically supervised systems protecting the entire building, including unoccupied spaces such as attics. Detectors shall be approved combined rate of rise and 135° F., or smoke, or products of combustion type, and properly installed. Where fixed temperature devices are required, they shall be constructed to operate at 165 °F., or less, except that in spaces where high temperature is normal, devices having a higher operating point may be used. Operation of a detection, or alarm, device shall cause an alarm which is audible throughout the building.

Requirements for automatic fire detection system. The system shall meet the following standards.

- (1) Automatically detect a fire.
- (2) Indicate at a central point notice of the fire.
- (3) Sound alarm signal throughout the premises for evacuation purposes.

(4) Provide assurance the system is in operating condition by electric supervision.

(5) Provide auxiliary power supply in the event of main power failure.

(6) Underwriters Laboratory listed equipment to be used throughout system.

(7) Provide a manual test switch.

(8) Installation of equipment and wiring shall be in a neat and workmanship like manner, and according to manufacturers instructions.

(9) Shall be tested by competent person at least semiannually. Date of test and name listed.

(10) To include smoke, or products of combustion detection devices as required by any rule in these regulations.

(11) Properly located manual alarm stations.

b. Every building shall have an electrically supervised manually operated fire alarm system integral with detection system in accordance with approved standards. The fire alarm system shall be installed to transmit an alarm automatically to the fire department, where available, that is legally committed to serve the area in which the health care facility is located, by the most direct and reliable method approved by local regulations. Manual alarm stations shall be located at each exit door, nurses station, kitchen, boiler and mechanical room, and other locations as required by the fire marshal.

c. There shall be an automatic fire detection system in all homes except where there is a sprinkler system.

d. The actuation of any detector system, manual alarm, or sprinkler system, shall activate the alarm system.

#### 28.12 (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 fire marshal.

c. Hoods over cooking ranges, etc. shall be protected by an approved automatic extinguishing system.



**28.12 (12) Heating and building service equipment.**

a. Air conditioning, ventilating, heating, cooking and other service equipment shall be in accordance with state regulations governing same, or nationally recognized standards such as National Fire Protection Association standards governing the type of equipment, and shall be installed in accordance with the manufacturer's specifications. Central heating plants shall be separated from patient occupied spaces by at least a one-hour fire separation. Activation of the fire alarm system shall shut down the air distribution system.

b. Portable comfort heating devices are prohibited.

c. Any heating device other than an approved central heating plant shall:

(1) Be so designed and installed that combustible matter will not be ignited by it or its appurtenances.

(2) If fuel fired, be chimney or vent connected, take its air for combustion directly from outside, and be so designed and installed to provide for complete separation of the combustion system from the atmosphere of the occupied area. In addition, it shall have safety devices to immediately stop the flow of fuel and shut down the equipment in case of either excessive temperatures or ignition failure.

**EXCEPTIONS:**

Approved suspended unit heaters may be used except in means of egress and patient sleeping areas, provided such heaters are located high enough to be out of the reach of persons using the area and provided they are equipped with the safety devices called for in item 2 above.

Fireplaces may be installed and used only in areas other than patient sleeping areas, provided that these areas are separated from sleeping spaces by construction having a one-hour fire-resistance rating and they comply with the appropriate standards. In addition thereto, the fireplace must be equipped with a hearth that shall be raised at least four inches, and a heat tempered glass fireplace enclosure guaranteed against breakage up to a temperature of 650° F. If, in the opinion of the fire marshal, special hazards are present, a lock on the enclosure and other safety precautions may be required.

Combustion and ventilation air for boiler, incinerator or heater rooms shall be taken from, and discharged directly to the outside air. No incinerator flue shall connect to boiler or furnace flue.

Every incinerator flue, rubbish, or laundry chute shall be of a standard type, properly designed, and constructed, and maintained for fire safety. Any chute other than an incinerator flue shall be provided with automatic sprinkler protection installed in accordance with applicable standards, such as Standard No. 13, Automatic Sprinklers, of National Fire Protection Association.

No incinerator shall be directly flue fed. Any trash chute shall discharge into a trash collecting room, used for no other purpose, and separated from the rest of the building with construction of at least one-hour fire-resistance rating, and provided with an approved automatic sprinkler protection.

**28.12 (13) Attendants, evacuation plan.**

a. Every nursing and custodial home shall have at least one competent attendant on duty, on each floor, awake and dressed therein at all times, and, in addition one standby 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. Every health care facility covered in this regulation 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. This plan is to be posted where all employees may readily study it. Fire drills shall be held at least once a month. Infirm or disturbed patients need not exit from building. Record of same to be kept available for inspection.

c. Every bed intended for use by patients shall be easily movable under conditions of evacuation, and shall be equipped with the size and type of caster to allow easy mobility.

**28.12 (14) Smoking.**

a. 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 bedfast patients, or persons considered

not responsible, upon written orders of the patient's physician and under direct responsible supervision. Clothing and bed linens to be of approved fire-retardant material or properly treated to be fire-retardant.

b. Ash trays of noncombustible material and safe design shall be provided in all areas where smoking is permitted.

c. "NO SMOKING" signs shall be posted in all patient occupied rooms, stating the smoking regulations in that particular facility.

**28.12 (15) Exit 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, or four and one-half inches if internally illuminated. 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 corridor or passageways appurtenant thereto shall be properly illuminated at all times to facilitate egress in accordance with the requirements for exit lighting.

c. Emergency lighting system of an approved type shall be installed so as to provide necessary exit illumination in the event of failure of the normal lighting system within the building. An approved type will be an electric generator, on the premises, driven by an independent source of power, either operated simultaneously, through separate wiring circuits, with the regular lighting circuits, or shall come into operation automatically upon failure of the regular lighting circuit. It shall be capable of repeated operation without manual intervention. In one story buildings with fifty, or less occupants, an approved rechargeable battery powered, automatically operated, device may be used.

**28.12 (16) Combustible contents.**

a. All draperies, curtains and cubicle curtains shall be noncombustible, or rendered

and maintained flame retardant. Waste baskets to be of noncombustible, nonthermoplastic material.

b. Fresh cut flowers and decorative greens, as well as living vegetation, may be used for decoration, except those containing pitch or resin.

c. Carpeting and carpet assembly, as installed shall comply with the state fire marshal's specifications pertaining to same.

**28.12 (17) Occupancy restrictions.**

a. A patient bedroom shall not be located in a room where the finish floor is more than thirty inches below the finish grade at the building.

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. Sections of health care facilities covered in this regulation may be classified as other occupancies if they meet all of the following conditions:

(1) They are not intended to serve occupants for purposes of housing, treatment, customary access, or means of egress.

(2) They are adequately separated from areas of the health facility occupancies by construction having a two-hour fire-resistance rating.

**28.12 (18) 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.

**28.13 to 28.18. Reserved for future use.**

[Effective November 11, 1971]

## PUBLIC SAFETY DEPARTMENT (continued)

Pursuant to the authority of section 321.4 of the Code, the following rules appearing in the 1971 Iowa Departmental Rules, pages 782 to 791, Title VII, Chapters 1 and 2,\* are hereby rescinded and the following adopted in lieu thereof.

[Filed January 3, 1972]

### TITLE VII STANDARDS AND INSPECTION PROCEDURE FOR MOTOR VEHICLES

#### DIVISION I

#### ADMINISTRATIVE AUTHORITY FOR MOTOR VEHICLE INSPECTION

#### CHAPTER 1 DEFINITIONS

#### 1.1 (321)T.VII Definitions.

1.1 (1) "Abandoned motor vehicle" means:

a. A motor vehicle that is inoperative and is left unattended on public property for more than ninety-six hours or;

b. A motor vehicle that has remained illegally on public property for a period of more than ninety-six hours or;

c. An inoperative motor vehicle without registration plates left standing on or along the highway or;

d. A motor vehicle that has remained on private property without the consent of the owner or person in control of the property for more than ninety-six hours. Provided, that vehicles and equipment used or to be used in construction, or the operation or maintenance of public utility facilities and which are left in such a manner which does not interfere with the normal movement of traffic shall not be considered abandoned vehicles for the purposes of this Act.\*\*

1.1 (2) "Antiquated vehicle" means any motor vehicle twenty-five years old, or older, whose owner desires to use said motor vehicle exclusively for educational or exhibition purposes.

\* See page 61

\*\* 64G.A., Ch. 183

Said motor vehicle shall be given a registration permitting the driving of said motor vehicle upon the public roads to and from the place of exhibition for a registration fee of five dollars per annum.

1.1 (3) "At retail" means to dispose of a motor vehicle to a person who may devote it to a consumer use.

1.1 (4) "Auxiliary driving lamp" means a complete road illuminating device, in addition to or supplementing, at least two but not more than three, the head lamps located upon the front of a motor vehicle.

1.1 (5) "Class A station" is capable of inspecting all motor vehicles. The minimum space requirements are twenty feet by fifty feet with approved headlight tester. If an approved screen and intensity meter are used, the minimum space requirements are twenty feet by seventy feet.

1.1 (6) "Class B station" is capable of inspecting the smaller types of motor vehicles, i.e. small trucks, passenger cars. The minimum space requirements are twelve feet by twenty-five feet with approved headlight tester. If an approved screen and intensity meter are used, the minimum space requirements are twelve feet by forty-five feet.

1.1 (7) "Class C station" is capable of inspecting fleets. The minimum space requirements are the same as for Class "A" or "B" stations, depending upon the fleet being inspected. To be approved as a "Class C" station, twenty or more vehicles must be registered in the name of the company or owner signing the application.

1.1 (8) "Class D station" is capable of inspecting all types of motorcycles. The minimum space requirements are ten feet by twenty feet.

1.1 (9) "Commercial motor vehicle" means any vehicle designed for carrying freight or merchandise; provided, however, that a motor vehicle, originally designed for passenger transportation, to which has been added a removable box body without materially altering said motor vehicle, when owned and used for agricultural purposes, shall not be deemed a "commercial motor vehicle" for the purpose of this Act. And further provided,

that any motor vehicle of the bus type, operated under contract with or owned by any school district, private or parochial school of this state for the transportation of school children, shall be deemed a "commercial motor vehicle"; and further provided, that a "suburban motor vehicle" shall not be deemed to be a "commercial motor vehicle" for the purpose of this Act regardless of the purpose for which the vehicle is used.

1.1 (10) "Essential parts" means all integral and body parts of a vehicle of a type required to be registered hereunder, the removal, alteration, or substitution of which would tend to conceal the identity of the vehicle or substantially alter its appearance, model, type, or mode of operation.

1.1 (11) "Fleet" refer to "Class C stations".

1.1 (12) "Glazing" means 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.

1.1 (13) "Motor home" means any vehicle with motive power used or so manufactured or constructed as to permit its being used as a conveyance upon the public streets and highways and so designed, constructed, or reconstructed as will permit the vehicle to be used as a place for human habitation by one or more persons.

1.1 (14) "Motor vehicle" means every vehicle which is self-propelled but not including vehicles known as trackless trolleys which are propelled by electric power obtained from overhead trolley wires, but not operated upon rails. The terms "car", "new car", "used car", or "automobile" shall be synonymous with the term "motor vehicle".

1.1 (15) "Motorcycle" means every motor vehicle having a saddle or seat for the use of the rider and designed to travel on not more than three wheels in contact with the ground including a motor scooter and a bicycle with motor attached but excluding a tractor.

1.1 (16) "Rebuilt motor vehicle" means every motor vehicle which shall have been assembled by using new and used parts, derived from other motor vehicles of the same make, and rebuilt by the manufacturer thereof.

1.1 (17) "Reconstructed vehicle" means every vehicle of a type required to be registered hereunder materially altered from its original construction by removal, addition, or substitution of essential parts, new or used, derived from other motor vehicles or makes of motor vehicles.

1.1 (18) "School bus" means every vehicle operation for the transportation of children to or from school, except vehicles which are:

a. Privately owned and not operated from compensation,

b. Used exclusively in the transportation of children in the immediate family of the driver,

c. Operated by a municipally or privately owned urban transit company for the transportation of children as part of or in addition to their regularly scheduled service, or

d. Designed to carry not more than nine persons as passengers, either school owned or privately owned, which are used to transport pupils to activity events in which the pupils are participants or used to transport pupils to their homes in case of illness or other emergency situations. The vehicles operated under the provisions of this paragraph of this rule shall be operated by employees of the school district who are specifically approved by the local superintendent of schools for the assignment.

1.1 (19) "Suburban motor vehicle" means every motor vehicle with a convertible or interchangeable body usable for both passenger and commercial purposes and including motor vehicles commonly known as suburban, station or depot wagons.

1.1 (20) "Truck tractor" means every motor vehicle required to be registered for a gross weight of more than 24,000 pounds, designed and used primarily for drawing other vehicles for compensation and not constructed as to carry a load other than a part of the weight of the vehicle and load so drawn.

1.1 (21) "Used motor vehicle" or "second-hand motor vehicle" means any motor vehicle of a type subject to registration under the laws of this state which have been sold "at retail" and previously registered in this or any other state.

1.1 (22) "Vehicle" means every device in, upon, or by which any person or property is or may be transported or drawn upon a highway, excepting devices moved by human power or used exclusively upon stationary rails or tracks.

1.1 (23) "Approved equipment" or "approved devices" means that when used in regard to the motor vehicle inspection program, the items referred to must either meet or surpass any of the following: Standards established under federal law, standards established under the Iowa Code, manufacturers' specifications or equipment approval promulgated by an approved testing laboratory.

[Effective January 3, 1972]

Rules are approved by the Departmental Rules Review Committee with the stipulation that the Commissioner of Public Safety will present them to the Transportation Committees of the Senate and House of Representatives for review and that he return to this review committee within six months to make a report of any recommendations made to him and submit amendments to these rules accordingly.

Pursuant to the authority of section 321.4 of the Code, rules relating to motor vehicle inspection - Title VII, Chapter 1 - filed January 3, 1972, are amended as follows.

[Filed January 5, 1972]

Strike the pursuant clause and insert the following:

Pursuant to authority of section 321.4 of the Code, the following rules appearing in 1971 IDR, pages 782 to 785, Title VII, Chapter 1, are rescinded and substitute rules are adopted. Rules appearing in 1971 IDR, pages 785 to 791, Title VII, Chapter 2, are readopted and renumbered as Chapter 1 to appear in Title VIII.

[Effective January 5, 1972]

## CHAPTER 2

### METHOD OF APPOINTMENT OF AN OFFICIAL INSPECTION STATION

2.1 (321)T.VII How to make application for an official inspection station.

2.1 (1) Application for a Class "A", "B", "C", and "D" Official Inspection Stations will

be made on the application form established by the department of public safety.

2.1 (2) Submit application properly completed, signed and notarized to the Inspection Division.

a. Signature. The application shall be signed by the owner, if a natural person, and in the cases where the owner is a corporation, copartnership or association, by an executive officer thereof or some person specifically authorized by said corporation to sign the application, to which shall be attached written evidence of his authority.

b. Applications for Official Inspection Stations signed by persons that reside outside of Iowa will be rejected, unless the applicant has an Iowa resident as his responsible agent at such inspection station.

c. A foreign corporation will not be issued an Official Inspection Station Certificate when all the officers or the applicant for the corporation, reside outside of this state, unless such corporation has an Iowa resident as its responsible agent at such inspection station, unless such corporation is registered to do business in Iowa.

2.1 (3) The applicant should furnish the following information, on a separate sheet of paper attached to the application, whenever applicable.

a. Has applicant other Official Inspection Stations? Identify by station number, name and address.

b. Does he wish to continue operating these stations? If not, request cancellation.

c. Has this location been appointed as an Official Inspection Station for a previous owner? Give station number and trade name, if known.

2.2 (321)T.VII Method of approval or disapproval.

2.2 (1) The department of public safety shall conduct an investigation of each applicant to determine full compliance with the official inspection station rules and regulations, which will include a complete background character investigation check of the owners and inspectors.

2.2 (2) Official inspection stations must be open for business at least eight normal

daylight business hours, five days a week excluding legal holidays with an inspector in attendance or the application must be disapproved.

2.2 (3) If an application is disapproved due to a minor condition which can be quickly corrected, a new application is not necessary. Merely notify the department and a reinvestigation will be requested of the department of public safety. If the investigation discloses the inspectors unqualified or that alterations are required to meet the space requirements, a waiting period of at least fifteen days will be necessary to allow sufficient time to comply, before requesting a reinvestigation.

2.2 (4) Upon approval of the application, by the inspection division, a certification will be issued each owner for the place of business within the state set forth in the application. Certifications shall not be assignable and shall be valid only for the owners in whose name issued and for transaction of business at the place designated therein and shall at all times be conspicuously displayed at the place for which issued. Inspections are forbidden until a valid certification has been properly issued to, received and displayed by the owner.

2.2 (5) After the application has been approved, the owner will prominently display an "official inspection station" sign, outside of the garage visible to the public and it must be of a type approved by the department.

[Effective January 3, 1972]

### CHAPTER 3

#### REQUIREMENTS FOR APPOINTMENT AND FOR CONTINUED APPOINTMENTS AS AN OFFICIAL INSPECTION STATION

##### 3.1 (321) T.VII Space requirements.

3.1 (1) Available level space within the garage for inspections and repairs is one of the most important factors in making and continuing appointments. All inspections must be conducted in the approved area, unless specific regulations state otherwise.

3.1 (2) "Inspection area" is defined as the designated "Space in the clear" approved for inspection purposes. Approval cannot be granted, nor permitted to continue, unless full compliance of the following requirements is maintained:

a. The floor must be nearly level. A one percent slope, front to rear or rear to front, is acceptable.

b. It must be free of all obstructions including shelves, work benches, partitions, displays, machinery, stairways, etc., unless in the opinion of the investigating officer the obstruction does not protrude in the area far enough to curtail or interfere with inspections.

c. It may have a drain at the extreme front or rear to permit cleaning of the area, or where the floor is nearly level a center drain is permitted providing the sloped area does not exceed two-foot square with one-half inch drop towards the drain.

d. Lifts are permissible.

#### EXCEPTION:

Drive-on type (any hoist which lifts the vehicle by the wheels) are not permitted in the "inspection area unless it has received prior approval of the inspection division." Motorcycle stations may have specifically designed motorcycle lifts but automotive type lifts are not permitted in the motorcycle inspection area.

e. Wall shelves at a height of not less than four feet are permitted, if they do not present a hazard to the vehicles, public or employees.

f. Floors must be a hard surface (such as concrete) and in a good smooth condition. Wood and dirt floors are not acceptable in this area.

g. Door tracks cannot be included in the space requirements.

3.1 (3) The available level space for inspections is placed in classifications outlined as follows:

a. Class "A" station — capable of inspecting all motor vehicles.

(1) Minimum space requirement: 20-foot by 50-foot with approved headlight tester.

(2) Minimum space requirement: 20-foot by 70-foot with approved screen and intensity meter.

(3) Height of door and ceiling must be appropriate height to allow for entrance into inspection area and the raising of the vehicle.

b. Class "B" station — capable of inspecting the smaller types of motor vehicles, i.e. small trucks, passenger cars.

(1) Minimum space requirement: 12-foot by 25-foot with approved headlight tester.

(2) Minimum space requirement: 12-foot by 45-foot with approved screen and intensity meter.

(3) Height of door and ceiling must be appropriate height to allow for entrance into inspection area and the raising of the vehicle.

c. Class "C" station — fleet inspection station.

(1) Minimum space requirements the same as for Class "A" or "B" stations, depending upon the fleet.

(2) Height of door and ceiling must be appropriate height to allow for entrance into inspection area and the raising of the vehicle.

d. Class "D" station — capable of inspecting all types of motorcycles. Minimum space requirement: 10-foot by 20-foot. Headlight aiming must be performed by the use of an approved screen or photo electric type headlight aimers.

3.1 (4) A garage must be a sound, enclosed structure, in good repair with adequate heating facilities to qualify as an official inspection station.

3.1 (5) Repair garages operated as, or operated in conjunction with, a junk yard will not be approved.

3.1 (6) All classes of inspection stations must be staffed with approved mechanics, with knowledge, tools and equipment to perform inspections on all passenger and commercial vehicles presented to them.

### 3.2 (321) T.VII Manpower requirements.

3.2 (1) Each official inspection station must have a minimum of one approved inspection mechanic to perform inspections with a working knowledge of all types of vehicles and complete knowledge of the official inspection station rules and regulations.

3.2 (2) A mechanic must be over eighteen years of age, be a resident of Iowa, have a

current valid Iowa operator's license and be approved as an official inspection mechanic.

3.2 (3) If an operator's license is revoked or suspended (for any reason or period of time) the mechanic will cease inspections during the suspension period and will not inspect until privileges have been fully restored. The division must be notified of any suspensions involving an approved mechanic.

3.2 (4) If an official inspection mechanic is to inspect at more than one official inspection station, he must receive separate approval for each by this division.

3.2 (5) Approved inspection mechanics are subject to re-examination at any time, to determine if they have full knowledge of current official inspection rules and regulations, especially when changing employment from one official inspection station to another. If a subsequent examination discloses the approved inspection mechanic is not familiar with new or existing regulations, he will be suspended from making inspections, until able to pass a re-examination. In the event there is no approved mechanic employed, a suspension of the certification is mandatory until a mechanic is certified to pass an examination.

3.2 (6) Owners or operators of official inspection stations must request examination of a new employee.

3.2 (7) The use of an unapproved inspection mechanic for inspecting or approving a motor vehicle for inspection is sufficient cause for immediate suspension of that official inspection station.

3.2 (8) The owners of the official inspection station are responsible for the quality of the inspections performed by each approved inspection mechanic.

### 3.3 (321) T.VII Required tools and equipment.

3.3 (1) The following list of tools and equipment must be available and in good condition at all official inspection stations for use by the approved mechanics:

- a. A complete set of hand tools necessary for work on vehicles.
- b. Garage jacks.\*
- c. Hoist.\*
- d. Portable lights.

e. Light testing devices (approved type and capable of testing all types of headlamps, including dual headlight system).

f. Brake drum gauge.\*

g. Brake lining gauge.\*

h. Ball joint gauge.\*

i. Wheel pullers.\*

j. Brake wrenches.\*

k. Scuff gauge.\*

l. An approved brake tester.\*

\*Tools not required at Class "D" stations.

3.3 (2) Inspection stations must be equipped to inspect both domestic and foreign-made vehicles.

[Effective January 3, 1972.]

#### CHAPTER 4

#### OBLIGATIONS AND RESPONSIBILITIES OF OFFICIAL INSPECTION STATION OWNERS AND OPERATORS

4.1 (321) T.VII Personal liability of the owner.

4.1 (1) Upon accepting certification as an official inspection station, the operator has obligated himself to be responsible for the following:

a. He and his employees shall conduct the business of the official inspection station honestly, efficiently and act in the best interest of the people of the state of Iowa by operating his station in accordance with the provisions of the vehicle code and the official inspection station rules and regulations.

b. He shall have available the official inspection station rules and regulations, approved equipment listings and their supplements for the use of all approved inspection mechanics. He must prominently display his certification of inspection station, the certification of inspection mechanics for each person authorized to conduct inspections, and any other notices deemed necessary by the department of public safety.

c. That only approved inspection mechanics will be permitted to do the actual inspection of vehicles and affix stickers.

d. That he will notify the division when a new mechanic is hired, so that the

department of public safety can certify him before he is permitted to perform inspections.

e. To have available at all times in his official inspection station, tools and equipment, in good working order, prescribed in the official inspection station rules and regulations.

f. To maintain a clean and orderly place of business.

g. To keep up-to-date inspection records at his inspection station, which will be available at all times for examination by the division or an authorized employee of the department of public safety. Duplicate copies of garage report sheets, sticker requisitions and check lists must be kept of each inspection period, at the inspection station for three years.

h. To conduct all inspections and affix all inspection stickers in the approved inspection area of the location designated on his certification with the exception of the road test.

4.1 (2) That the department of public safety, inspection division, will be notified immediately in the following events, which will affect the records on file with the division that prompted the approval of the certification.

a. If any of the following events occur, all inspections shall cease and not be resumed until a new application has been submitted and a new certification has been received by the applicant.

(1) Change of ownership. EXCEPTION: In the event of death of the owner, the widow or a surviving member of the immediate family, or executor may submit a new application for a change of authority and continue inspections using the existing stock of stickers, providing a qualified mechanic is employed to conduct the inspections.

(2) Change of location of the official inspection station. Stickers will be audited by the department of public safety and retained by owner, but no inspections can be made until reappointed at the new location.

(3) Dissolving partnerships or corporations.

(4) In case the owner of the station (the person whose name appears on the



application) desires to quit or close his garage and wants to cancel the certification.

*b. Refunds – after audit.* The department of public safety shall refund to a permit holder 25 cents for each inspection certificate returned to the department in usable condition after conducting an audit of the records of the permit holder.

*c.* The following events must be reported at once, but it will not be necessary to stop inspections:

(1) In case inspection stickers are damaged, lost or stolen.

(2) In the event an authorized inspection mechanic or person authorized to purchase inspection stickers is dismissed or resigns. (Inspections may continue providing an approved inspection mechanic is still available to perform the inspections.)

(3) All changes in post office address (not location) or designation of the official inspection station.

(4) Any change in authority. Submit an application if the person whose signature appears on the corporation's application resigns or loses authority.

(5) Change in trade name.

4.1 (3) The following items concern all official inspection stations except Class "C" stations:

*a. Inspection fees.* All required inspection items will be examined for one single fee and will constitute an official inspection. The one charge will include checking all inspection items, labor, the pulling of both wheels (except motorcycles), checking and adjusting headlamps, etc., or in other words, the "physical examination only" of the vehicle.

(1) Affix sticker.

(2) The owner or operator of the vehicle should always be informed if any parts, although still in passing condition, may be worn or become dangerous.

*b. Repairs.*

(1) Repairs may be made by the official inspection station if requested to do so by the vehicle operator.

(2) If the official inspection station is requested to perform repairs on the motor vehicle, said repairs may be made after the entire inspection process has been completed and the motor vehicle is removed from the inspection area.

[Effective January 3, 1972.]

## CHAPTER 5

### SUSPENSIONS AND REVOCATIONS

#### 5.1 (321) T.VII Failure to comply.

5.1 (1) Any failure to comply with the provisions of this Act (S.F. 297 [Ch. 183], Sixty-fourth General Assembly) or any rules and regulations promulgated pursuant thereto, shall be punishable as provided by section 321.482 of the Code of Iowa (1971).

5.1 (2) Any failure to comply with the provisions of this Act (S.F. 297, Sixty-fourth General Assembly) or any rules and regulations promulgated pursuant thereto, shall be construed as being a failure to properly conduct all or a portion of the inspection process or shall be construed as a failure to be properly equipped within the meaning of section 1.4 (1) S.F. 297 [Ch. 183, section 1, subsection 4, paragraph 1], Sixty-fourth General Assembly, as said paragraph pertains to the authority of the commissioner to revoke an inspection station's permit.

5.1 (3) The period of revocation shall be determined by the commissioner; or his authorized agent, after considering the gravity of the violation, said period not to be less than ninety days.

5.1 (4) The commissioner may, pursuant to his authority to revoke, temporarily suspend the operations of an official inspection station pending an investigation of alleged violation(s) of the statute or any rules promulgated pursuant thereto.

5.1 (5) Notice and posting requirements for suspension shall be the same as required for revocations.

[Effective January 3, 1972.]

*DIVISION II*  
*INSPECTION REQUIREMENTS*

CHAPTER 6

REQUIREMENTS OF ALL INSPECTION  
STATIONS

**6.1 (321) T.VII Minimum requirements for approval of inspection.** All items listed in the applicable chapter of these rules must be thoroughly examined according to established regulations to constitute an official inspection. Failure to comply will be regarded as a faulty inspection and could result in the loss of inspection privileges, not only for the offending mechanic but the entire official inspection station.

**6.2 (321) T.VII Original equipment.**

**6.2 (1)** Unless regulations provide otherwise, original factory-installed essential safety equipment or equivalent replacement equipment shall be on all vehicles. Where such equipment is in an unsafe condition, it shall be replaced or repaired, but not as part of the inspection.

**6.2 (2)** All motor vehicles must be equipped with a seat for the operator of a style originally designed for use in a vehicle of the same type and which is firmly anchored and in good condition.

**6.2 (3)** All motor vehicles must conform to federal safety regulations which were imposed upon them at the time of manufacture.

**6.3 (321) T.VII Recording inspection.**

**6.3 (1)** It is important to note that fraudulent recording on inspection forms is cause for immediate suspension of inspection privileges.

**6.3 (2)** The inspector must record the correct information on the proper report form and place his signature in the appropriate location. This must be done immediately following inspection. Recorded information should be printed unless directed to do otherwise.

**6.3 (3)** Every official inspection must be recorded on the proper form regardless if an approval sticker is issued or if a rejection sticker is issued.

**6.3 (4)** The inspection record form must be maintained in triplicate, and upon comple-

tion of the entire sheet the original copy will be delivered to the county treasurer where it will be registered. The second copy must be retained as a garage record and kept on file at the station for a period of three years. The third copy is retained with the motor vehicle.

**6.3 (5)** Never report two different inspections on the same record sheet.

**6.3 (6)** All record sheets must be neat, legible and contain the correct inspection station number and date. Every item inspected must be reported. If the report sheet lists a piece of equipment that does not apply to the vehicle being inspected, place a dash (-) in that column to indicate it has not been overlooked or neglected.

**6.3 (7)** Never use report sheets as envelopes, by enclosing letters, checks, sticker requisitions or stickers.

**6.3 (8) Caution:** Failure to properly record inspections, forward the record to the proper official agencies, or failure to keep the records as required can result in the suspension of inspection privileges. Fraudulent entries, deliberately misrepresenting an inspection, will be sufficient cause to suspend inspection privileges indefinitely.

**6.3 (9)** A sufficient supply of report records will be mailed with each order of stickers. If additional sheets should be necessary, direct your request to the Inspection Division.

**6.4 (321) T.VII Verify legal registration.** Check owner's registration card with registration plate and vehicle identification numbers. If the numbers do not correspond or if the manufacturer's serial number (VIN) is defaced, obliterated or not available, complete the inspection and leave this information blank as this is the responsibility of the county treasurer. Registration, title or transfer certificate is satisfactory proof of ownership. This verification should be the first item checked before proceeding with the rest of the inspection.

**6.5 (321) T.VII Road test.**

**6.5 (1)** All vehicles must be road tested before the inspection sticker is issued. The road test is performed to determine brake equalization and general condition of the

steering behavior. Road test should be made on dry, hard roadway, if possible, with a grade not in excess of one percent and the roadway to be free of loose material.

6.5 (2) The vehicles should be rejected for any malfunction of the braking or steering mechanism particularly if shimmy, wander, pull or any other questionable behavior is evident.

6.5 (3) A road test shall not be less than one-fourth mile. It is an extremely important part of the inspection procedure and must be performed on all vehicles presented for inspection.

6.5 (4) A road test cannot be performed unless the vehicle displays a current valid registration plate.

6.5 (5) Inspection form must accompany the inspector on all road tests.

6.5 (6) A road test can be performed on a vehicle without a current sticker, providing the mechanic is in the general vicinity of his station and has in his possession an inspection form to show he is checking the vehicle.

6.5 (7) Owner or inspector of an official inspection station can transport a vehicle from the owner's premises to their Official Inspection Station without the vehicle displaying a current valid inspection sticker, providing it is for the purpose of inspection, and an inspection form must accompany the operator. The vehicle must display a proper registration plate and be safe to operate on the highway.

6.5 (8) A vehicle which requires work, such as the replacement of glass or front end alignment, before a valid inspection sticker can be placed on the windshield, can be moved from the inspection station to another location in order to have the repairs made.

6.6 (321) T.VII Affix inspection sticker. When a vehicle has successfully passed inspection, meeting the requirements of the law, the inspection sticker shall be punched and affixed in the following order:

6.6 (1) The exact date and month of the inspection shall be punched in the date box of the inspection sticker.

6.6 (2) The inspection sticker shall be affixed on the inside in the blind area behind

the inside rear view mirror. Care should be taken to keep sticker out of the heavily-tinted area of the windshield.

6.6 (3) When an inspection is completed and the inspection sticker is issued, it is the responsibility of the inspector to affix the inspection sticker on the location prescribed by the department of public safety. Only an approved inspector may affix the inspection sticker.

6.6 (4) The inspection sticker can only be affixed to a vehicle in the approved inspection area of the official inspection station. Stickers cannot be issued or affixed at any other area or location. Only the current valid sticker can be visible. All others shall be removed.

6.6 (5) Stickers must be affixed to the windshield according to the instructions as issued by the department for the particular type sticker in use. Inspection stickers should always be examined before using and if found to be incorrect in any manner, it should not be used. (Motorcycles will be affixed to rear fender.)

6.6 (6) The surface on which the sticker is to be attached must be wiped dry and clean of road film or grease for proper adhesion.

#### 6.7 (321) T.VII Inspection fees.

6.7 (1) The fee shall be five dollars which will be retained by the inspection station.

6.7 (2) An additional twenty-five cents will also be allowed for reimbursement for the inspection sticker.

6.7 (3) The service tax on the five-dollar fee will also be charged.

6.7 (4) All required inspection items will be examined for one single fee and will constitute an official inspection. The one charge will include checking all inspection items, labor, the pulling of both wheels, etc., or, in other words, the "physical examination" of the vehicle.

6.7 (5) It is required that all Official Inspection Stations prominently display a sign within their garage which will announce the complete charge for an inspection. This is for the benefit of the public and will greatly reduce complaints.

[Effective January 3, 1972.]

Rules are approved by the Departmental Rules Review Committee with the stipulation that the Commissioner of Public Safety will present them to the Transportation Committees of the Senate and House of Representatives for review and that he return to this review committee within six months to make a report of any recommendations made to him and submit amendments to these rules accordingly.

These rules having been submitted to the Attorney General on December 3, 1971, and the Attorney General having failed to render an opinion thereon within 30 days after such date are being filed as provided in 17A.8 of the Code without his advisory opinion.

## CHAPTER 7

### MINIMUM REQUIREMENTS FOR INSPECTION OF PASSENGER-TYPE VEHICLES AND OTHER SMALL MOTOR VEHICLES CLASS B

**7.1 (321) T.VII Condition of tires.** Any pneumatic tire on a vehicle shall be considered unsafe if it has the following defects, and shall be rejected:

1. Any part of the ply or cord exposed.
2. Any bump, bulge or separation.
3. A tread design depth of less than 1/16 of an inch measured in any two or more adjacent tread grooves, exclusive of tie bars or, for those tires with tread wear indicators, worn to the level of the tread wear indicators in any of two tread grooves.
4. A marking "not for highway use", "for racing purposes only", "unsafe for highway use".
5. Tread or sidewall cracks, cuts, or snags deep enough to expose the body cord.
6. Such other conditions as may be reasonably demonstrated to render it unsafe.
7. Been regrooved or recut below the original tread design depth, excepting special taxi tires which have extra undertread rubber and are identified as such.
8. Slicks or tires designed originally without grooves or tread.
9. Mix-matched tires on same axle.

10. Any tire rejected by the manufacturer or by the commissioner of the department of public safety.

11. Oversized tires that project beyond the elongated side of motor vehicle body.

#### 7.2 (321) T.VII Condition of wheels.

1. Reject if wheels are loose or where there are missing or defective bolts, nuts or lugs.

2. Reject if the wheel is bent, loose, cracked or has defective rim or wheel flanges, so as to affect the safe operation of the vehicles.

3. Reject if wheels extend beyond the elongated side of the vehicle's body.

#### 7.3 (321) T.VII Brakes.

**7.3 (1) Service brakes.** Every motor vehicle (except motorcycles) shall be equipped with a service brake, applied and released simultaneously in a single control device, adequate to control, stop and hold such vehicle on any grade and under all load conditions. The service brake shall act upon all wheels of every motor vehicle except such system shall not be required to act upon:

a. A trailer or semitrailer which, when standing alone, has a gross weight not exceeding 3,000 pounds.

b. Trucks and truck tractors having three or more axles need not have brakes on the front wheels, except when such vehicles are equipped with at least two steerable axles the wheels of one such axle need not be equipped with brakes. (393.43 (c) Federal Motor Truck Regulations)

c. The wheels of a motorcycle simultaneously or the wheel of a sidecar coupled to a motorcycle at any time.

**7.3 (2) Official inspection procedures** employed in the inspection of brakes must include determination of compliance of the brakes and brake systems on all wheels by removing one front wheel and one rear wheel on the opposite side, on vehicles having enclosed brake mechanisms. This provision shall not apply to new motor vehicles.

a. When brake conditions are questionable or if unable to equalize them, all four wheels should be removed to check brake

lining, drums, etc. The Official Inspection Station and inspection mechanic are responsible for the condition of all brakes regardless whether two wheels or four wheels are pulled.

b. Equalization of all brakes is very important from the viewpoint of safety. The percentage of the brake lining must be determined by the use of a brake lining gauge. Inspect for lining thickness, grease saturations and projected life of the lining. On all vehicles the following must be checked: Spring, worn clevis and cotter pins, missing spring clips, wheel bearing adjustments and grease retainers.

c. The vehicle owner should be warned if the lining is just passable, or, as to future mileage remaining before a relining job is necessary, to avoid scored drums or brake failure.

7.3 (3) An approved brake testing device, plate brake analyzer may be used in lieu of pulling the wheels of the motor vehicle. (Decelerometer is not approved as a brake testing device.) If the inspector feels the brakes are not operating correctly, additional work may be called for to determine the problem.

7.3 (4) *Pedal reserve.* Test vehicle in a standing position. With the brake pedal depressed under moderate foot force, there should be a minimum of one half of the total available (Manufacturer's specification) pedal travel remaining. The engine should be running when checking brake systems having power assisted hydraulic systems.

#### 7.3 (5) *Mechanical brakes.*

a. Inspect the condition of linkage for worn pins, missing or defective cotter pins, loose parts, broken or missing retraction springs, worn rods and couplings, anchor pins, nuts, condition of shoes and lining and lubrication.

b. Check pedal shaft and bearings for high friction, wear and misalignment.

#### 7.3 (6) *Hydraulic brakes.*

a. Inspect the external condition of the hose and tubings for evidence of leakage or seepage. All hose must be carefully examined for wear. Hose found to be worn or weakened by rubbing against other parts must be replaced.

b. Test for leakage by holding pedal depressed for at least one minute. If the pedal does not hold its position, it is an indication of leakage in the system and a complete examination must be made to locate the leak.

c. Examine the condition of the retracting springs. Check the fluid in the master cylinder.

7.3 (7) *Service brakes must be rejected for the following causes:*

a. Brake drum should be reasonably smooth and rejected if there are substantial cracks on the surface extending to an open edge.

(1) If there are internal cracks — if there is evidence of mechanical damage other than wear — or if the frictional surface is contaminated with oil, grease, or brake fluid. Short hairline cracks are not cause for rejection.

(2) Brake drums may not be worn more than .090 inch or fifty percent beyond the recommended turn-down specifications, whichever is smaller. (Rebore limit .060.)

b. Worn brake linings and discs.

(1) Brake discs are rejected if there are substantial cracks extending to the edge or if there is evidence of mechanical damage other than wear. Discs with a thickness less than manufacturer's minimum recommended limit minus fifty percent wear allowance must also be rejected.

(2) The minimum thickness acceptable for brake linings depends on the type of lining. Wire backed linings are thick enough if there is no wire visible on the friction surface. A bonded lining must be at least 1/32 inch at the thinnest point. Riveted linings must be 1/64 above the top of any rivet head. Thin linings are loose or missing rivets are cause for rejection.

(3) The brake lining should be rejected if it is worn unevenly, broken, cracked, and not firmly attached to the shoe, or if the friction surface is contaminated with oil or grease.

(4) Disc brake pads are acceptable if they are at least 1/32-inch thick except for American Motors Corporation vehicles which must be at least 1/16-inch thick. The driver

should be informed if the thickness of the lining is worn close to the rejection point.

c. Failure of any part of pressure systems or insufficient tank reserve.

d. Worn or broken rods, clevis pins, couplings, anchor pins and worn or broken cables.

e. When any brake or brakes on any wheel shows no breaking effort or greater variation in equalization with others.

f. Pedal pads worn through to the metal must be replaced.

g. All vacuum or pressure hose for brake systems must be of an approved type.

h. Inspect all hose for leaks, wear from rubbing or fraying, collapsed hoses and tubes, loose hose clamps and clogged air cleaners.

**7.3 (8) Parking brakes.** Every motor vehicle, except motorcycles, shall be equipped with a parking brake system adequate to hold such vehicles, under all load conditions, upon any grade on which it is operated.

**7.3 (9) Disc brakes.** Visual inspection procedures:

a. Pads:

(1) Remove a minimum of one front and one rear wheel. Inspect for broken or loose pads and contamination of the friction surfaces. Check entire system for worn, broken parts and system for operation and serviceability. This provision shall not apply to new motor vehicles.

(2) Causes for rejection: Pads worn below manufacturer's specifications for replacement. Measure at thinnest point. Pad friction surface obviously contaminated with foreign material to the extent it would make the brake operate in an unsafe manner.

b. Discs:

(1) Inspect lining contact surfaces of the disc for contamination or cracks. Clean.

(2) Causes for rejection: Brake discs contaminated to the extent that they would make the brake operate in an unsafe manner. Brake discs with external cracks or substantial cracks on the friction surface which reach an edge of the bore or periphery of the disc.

(3) The brake disc may be refaced or turned down if limits are not surpassed.

**7.4 (321) T.VII Lighting and electrical systems.**

**7.4 (1) Headlight identification.** Vehicles are equipped with one of two types of multiple beam headlamps.

a. The dual-system consists of four, 5¾-inch bulbs. Type 1, marked number 1 on the lens, provides the majority of the high beam light. Type 2, containing two filaments, is marked number 2. One filament operates with type 1 lamp on high beam and the other filament provides the entire lower beam.

b. The 7-inch diameter type 2 lamp, identified by the number 2 on the lens, contains two filaments. One filament produces the upper beam; the other produces the lower beam.

c. All type 2 lamps, regardless of size, must be inspected and aimed on the lower beam.

d. The original 7-inch sealed beam lamp can be identified by the absence of the number 2 on the lens and must be inspected and aimed on the upper beam.

**7.4 (2) Headlight candlepower:** The maximum combined beam shall not exceed seventy-five thousand candlepower. The minimum output on the upper beam shall not be less than ten thousand candlepower. A minimum of seven thousand five hundred beam candlepower will be required on low beam.

**7.4 (3) Output meter:** Apparent candlepower output can only be determined by a testing device designated for that purpose.

**7.4 (4) Headlight testing and equipment:** Every official inspection station shall be equipped with either an approved type of screen and an approved output meter, or an approved headlight tester suitable to inspect dual headlight systems.

a. Screen: If an approved screen is used, it shall be not less than 10 feet in width and 42 inches in height, with a matte-white surface well shaded from extraneous light and well adjusted to the floor area on which the vehicle stands. Provision should be made for moving the screen so that it can be aligned parallel with the rear axle, and so that a

horizontal line drawn perpendicular from the centerline of the screen will pass an equal distance between the two headlamps. The screen must contain a fixed vertical centerline, four laterally adjustable vertical tapes and two vertically adjustable horizontal tapes.

b. Mechanical aimer: If a mechanical aimer or headlamp testing machine is employed for the inspection and aiming of mechanically aimable lamps, the device must be of an approved type, in good repair and adjustment, and should only be used in accordance with the manufacturer's instructions. Mechanical aimers may only be used with mechanically aimable sealed beam units. A separate output meter is required for use with the mechanical aimer. Mechanical aimers shall not be used to aim or adjust any headlamp which includes additional lenses or covers over the sealed beam unit such as are installed in Volkswagen, DKW, Porsche, Avanta, Chrysler, Imperia, Ford and others. Before stations which are equipped only with mechanical aimers can inspect such vehicles, they must install and use an approved headlight tester or an approved screen and output meter. Space requirements must be met before a screen may be used.

c. Preparation for aiming: Prior to testing headlights, the vehicle shall be located in an approved space having a level floor and in proper alignment with the screen or tester. Before checking beam aim:

1. Remove ice or mud from under fenders;
2. See that all tires are properly inflated.
3. Check car springs for sag or broken leaves;
4. Take into consideration faulty wheel adjustment or improper tracking of the rear axle;
5. See that there is no unusual load in the vehicle other than the driver in the front seat;
6. Check functioning of any "level-ride" control;
7. Clean lenses; check for broken or cracked aiming pads; bulb burn-out and proper beam switching;
8. Check for proper lamp output;
9. Inspect general conditions of lamp assembly, paying specific attention to lamp

doors, lens, reflectors, bulbs, ground connections and aiming adjustments;

#### 10. Rock vehicle sideways.

7.4 (5) *Lamp inspection and aiming.* Visual method (screen or photometric tester).

a. Upper beam: The following values are based on the prescribed 25-foot distance. All 5¾-inch type 1 sealed beam, 7-inch sealed beam except type 2, and all two-beam lamps not otherwise designated are to be inspected and aimed on the upper beam.

(1) Vertical aim (up and down) inspection. Center of high intensity zone two inches below the horizontal line which represents the level of the lamp center. Approval shall be refused if the center of the high intensity zone is above the horizontal line or more than four inches below. (See Fig. 1.)

(2) Lateral (sideways) aim inspection. Center of high intensity zone on the vertical line straight ahead of lamp center. Approval shall be refused if the center of the high intensity zone is more than six inches right or left of the vertical centerline. (See Fig. 1.)

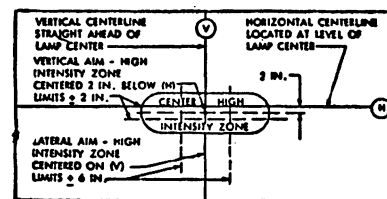


FIG. 1 - AIM INSPECTION LIMITS FOR UPPER BEAM OF: 5¾ in. Type 1 Sealed Beam - 7 in. Sealed Beam, except Type 2

b. Lower beam: All 5¾-inch type 2 sealed beam, 7-inch type 2 sealed beam and single beam auxiliary lamps are to be inspected and aimed on the lower beam.

(1) Vertical aim (up and down) inspections. Top edge of high intensity zone on the horizontal line which represents the level of the lamp center. Approval shall be refused if the top edge of the high intensity zone is more than two inches above or below the horizontal line. (See Fig. 2.)

(2) Lateral (sideways) aim. Left edge of the high intensity zone two inches right of the vertical centerline straight ahead of the lamp center. Approval shall be refused if the left edge of the high intensity zone is to

the left of the vertical centerline or more than six inches to the right. (See Fig. 2.)

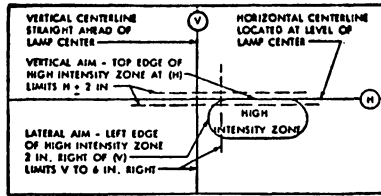


FIG. 2 - AIM INSPECTION LIMITS FOR LOWER BEAM OF: 5 1/2 in. Type 2 Sealed Beam - 7 in. Type 2 Sealed Beam. Caution - Do not aim or inspect these lamps on the upper beam. - Auxiliary passing lamp (single beam)

c. Fog lamps:

(1) Vertical aim (up and down). Top edge of high intensity zone four inches below the horizontal line which represents the level of the lamp center. Approval shall be refused if the top edge of the high intensity zone is higher than two inches below the horizontal line. (See Fig. 3.)

(2) Lateral aim (sideways). Center of high intensity zone on vertical line straight ahead of lamp center. Approval shall be refused if the center of the high intensity zone is more than six inches right or left of the vertical centerline. (See Fig. 3.)

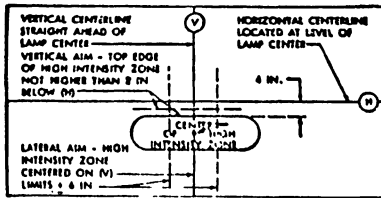


FIG. 3 - AIM INSPECTION LIMITS FOR SYMMETRICAL BEAM FOG LAMPS

7.4(6) Lamp inspection and aiming - mechanical method. Always adjust lights to a setting of 0-0 when using a mechanical aimer.

a. 5 1/4-inch type 1 and 7-inch (except type 2) sealed beam lights.

(1) If vertical aim on high beam is higher than "4" up or lower than "4" down adjust without cost.

(2) If the horizontal aim on high beam is more than "4" to the left or "4" to the right adjust without cost.

b. 5 1/4-inch type 2 and 7-inch type 2 sealed beam lights.

(1) If the vertical aim on low beam is higher than "4" up or lower than "4" down adjust without cost.

(2) If horizontal aim on low beam is more than "4" to the left or "4" to the right adjust without cost.

7.4(7) Nonsealed beam headlight examination. Reflectors must be polished, resilvered or replaced if dark spots show through plated surface, indicating worn or tarnished reflectors; or when rusted, dented, or pin holes and spots are bunched together. To determine condition of reflectors, lens should be removed. Bulbs must be checked for discoloration and sagging filaments. In checking bulbs for sagging of filament, lay the bulb on a white enamel tray and a sagging filament will become evident. Bulbs must be replaced if either or both filaments sag. If lens require replacement, the replacement lens must be the same make and type.

7.4(8) Other lights and safety devices.

a. Beam indicator lights: Every motor vehicle, except motorcycles, which has multiple beam road lighting equipment must be equipped with a beam indicator which shall be lighted whenever the high beam of light from the headlamps is in use, and shall not otherwise be lighted. The indicator shall be so located that when lighted, it will be readily visible without glare to the driver of the vehicle.

b. Dimmer switch: Every motor vehicle must be equipped with a dimmer switch located so that it may be operated conveniently by a simple movement of the driver's hand or foot. Automatic dimming devices may be used, but this does not eliminate the manual switch requirement.

c. Auxiliary driving headlamps.

(1) Auxiliary driving headlamps are complete road illuminating devices, used in addition to or supplementing the regular headlamp beam. These lamps must be approved, used in a pair (however, Iowa Code provides for not more than three) and wired so that they operate in conjunction with the regular headlamp and tail lamps. Auxiliary and fog lamps must be spaced not less than 20 inches apart and at a height of not less than 12 nor more than 42 inches above the level surface upon which the vehicle stands.

(2) Adverse weather or fog lamps are lamps which are designed for use with, or in lieu of, the lower beam headlamps under conditions of rain, snow, fog or dust which makes use of the regular headlamp disadvantageous. Adverse weather lamps must be wired



so that they may operate either independently of the headlamp system, or, in conjunction with the low beam of the headlamp upon the selection of the driver. Rear lamps must be turned on with the fog lamps. When adverse weather lamps are used, auxiliary driving lamps may not be installed. These lamps are approved only in pairs and the mounting limitations for auxiliary driving lamps must be met.

(3) Auxiliary driving headlamps are not approved for use on snow plows where the blade obscures the normal headlamp beam. All lamps used on such vehicles must be complete, approved headlamps having both high and low beams. These lamps must be wired through a double pole, double throw switch, so that both sets of lights will not operate at the same time. The rear lamps must operate in conjunction with both sets of headlamps. Snow plow lamps must be aimed so that the high intensity portion of the beam does not project to the left of the extreme left side of the vehicle nor higher than the center of the lamp at a distance of 25 feet in front of the vehicle. In no case shall the high intensity portion of the beam be higher than 42 inches above the level upon which the vehicle stands at a distance of 75 feet ahead.

d. Turn signal system: All passenger vehicles must be equipped with two directional signals mounted on the front and two directional signals mounted on the rear. The signals on the front may be white or amber and may be in combination with the parking lamp. Rear signals must be red in color and may be in combination with the rear lamp. Operating switches must be of an approved type. No vehicles may be passed for inspection without approved signals installed and operating, except those vehicles manufactured prior to January 1, 1954. Approval shall be refused for any of the following reasons:

1. Lamps or operating switch not of approved type.
2. Lamps not in approved position.
3. Lamps not functioning properly.
4. Lamps obscured.

e. Hazard warning switch: All passenger vehicles which are equipped with a hazard warning system shall be operated regardless of the position of the ignition switch.

f. Rear lamps, license plate lamp and stop lamps: At least one left rear lamp and

one license plate lamp are required. All rear lamps must be of an approved type and of sufficient intensity so as to be visible at a distance of five hundred feet to the rear. All bulbs must be of a type approved in the original equipment. Replacement lens must be the same as the original or of a type approved for use in substitution of the original. License plate illumination lights must be of sufficient intensity to illuminate and make the entire license plate plainly visible at a distance of fifty feet to the rear of the vehicle and shall be activated by the same switch which activates the rear lamps. If a separate license plate lamp is used, it must be of an approved type. All bulbs and replacement lens must be the same as the original or of a type approved for use in substitution of the original.

g. Stop signal lamps: At least one stop signal lamp is required. The lamp must be of an approved type and may be a separate lamp or part of a combination lamp. Stop lamps must be operated through a switching arrangement so that any motion of the brake pedal towards the applied position immediately illuminates the lamp. No stop lamp may be combined with a turn signal lamp unless the arrangement of switches or other parts is such that the stop lamp is always extinguished when the turn signal is in use. Such lamps must be visible for a distance of 100 feet in normal sunlight.

h. Reflex reflectors: All passenger vehicles are required to be equipped with two red reflex reflectors mounted on the rear of the vehicle, not less than 20 inches above the ground upon which the vehicle stands, or at a height not to exceed 42 inches. All reflectors must be of an approved type. All reflectors must be maintained as to be visible at night from all distances within three hundred feet to 50 feet from such vehicle except commercial.

i. Back-up lamps: Any motor vehicle may be equipped with two or more back-up lamps. These may be separate or in combination with other rear lamps. Back-up lamps may not be illuminated when the vehicle is in forward motion. An automatic means must be provided to turn the back-up lamp off when the vehicle is in forward motion. The back-up lamp must be colorless (white).

j. Spot lamps: Iowa Code (321.402) provides that any motor vehicle may be equipped with not to exceed one spot lamp. Spot lamp must be mounted on the left side of

the motor vehicle. A second, dummy spot lamp, right side, with bulb but the wiring removed would be permitted.

k. Cowl or fender lamp: Any motor vehicle may be equipped with two side cowl or fender lamps. No approval is required but light must be white or amber without glare.

l. Running board lights: Any vehicle may be equipped with one running board light on each side which must emit a white light. No approval is required.

m. Ornamental lights: Electrically illuminated ornamental lights are not permitted on the front or rear of a vehicle unless they are original equipment. All unauthorized lights must be removed before the vehicle can be passed for inspection.

n. Obstruction of lighting devices: Any screen, bar, auxiliary equipment or device of any kind placed in front of, or over any lighting device, is prohibited and must be removed before the inspection sticker can be affixed.

#### 7.4 (9) Cause for rejection.

1. Faulty aim will not be cause for rejection, all lights must be aimed at no additional cost.

2. Any bulb or sealed beam type unit in any lamp required by law or regulation which fails to function properly;

3. Any improperly connected circuit which does not light the proper filaments for the different switch positions;

4. Any cracked, broken or missing lens;

5. Any lens that is rotated, upside down, wrong side out, or is otherwise incorrectly installed;

6. Any lens marked "left" or "right" not appropriately installed;

7. 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;

8. A headlamp or fog lamp, other than an all glass, sealed beam type unit, with dirt or moisture inside; any obvious discoloration, contamination or reflector deterioration;

9. Any lamp not securely fastened to the vehicle;

10. Any lamp showing a beam of color contrary to law or regulation;

11. Any defects in the wiring or lighting equipment that would be likely to influence adversely the effectiveness of the lighting performance;

12. Any auxiliary equipment placed on, in, or in front of the headlamp which is not part of the original equipment;

13. Beam indicator lamp which does not indicate the proper beam to the driver or which do not function properly;

14. Any lamp or lens which is turned or inclined so that its light is not properly directed.

#### 7.5 (321) T.VII Glazing

7.5 (1) *Windshield and windows.* All vehicles must be equipped with safety glass when assembled, manufactured or reconstructed. Under the law, any vehicle originally equipped with glass other than safety glass may pass inspection providing the glass is not cracked or discolored. When glass has been used as original equipment, safety glass must be used for replacement. Complete replacement of unapproved or defective glazing is required before inspection approval.

7.5 (2) Motor vehicles (unless specifically exempted) cannot be approved for an inspection sticker, unless such motor vehicle has been equipped with a windshield or a type required by regulations and law.

7.5 (3) When replacement safety glazing material is cut from a sheet, it shall show, if safety glass, the manufacturer's sandblasted mark; if plastic, the manufacturer's die mark, unless it is impossible to cut the sheet showing the manufacturer's die mark without causing undue loss of materials. In such case, the person who cuts (or installs) the glazing material shall provide for the vehicle owner a statement certifying that the glass or plastic was cut from a sheet of approved safety glazing material, so that the certification shall be available when vehicle is presented for inspection. However, in no case shall unmarked safety glass be installed in a windshield.

7.5 (4) Under the American Standards Safety Code for Safety Glazing Materials for Glazing Motor Vehicles Operating on Land Highways it is provided that marking on glazing material (either glass or plastic) shall indicate the position such glazing material may be used.

There will be a number in addition to the manufacturer's distinctive designation or trade mark and the words "American Standards" or the character "AS". As an example, the numeral "1" would mean that such material could be used anywhere in a motor vehicle, the numeral "2" would mean that material could be used anywhere in a motor vehicle except in the windshield.

a. The following "AS" American Standards designations is a ready reference as to "Types of Glazing" and "where" they may be used:

(1) AS-1 — For all glazing, including windshields.

(2) AS-2 — For all glazing, except windshields.

(3) AS-3 — For glazing, only in the following specific locations:

In standee windows in buses.

In opening in the roof.

In house or property carrying trailers.

In glazing to the rear of the driver in buses, truck, or truck tractor cabs where other means affording visibility of the highway to the side and rear of the vehicles are provided.

(4) AS-4 and AS-5 — For glazing only, in the following specific locations:

In interior partitions and auxiliary wind deflectors.

In folding doors.

In standee windows in buses.

In flexible curtains or readily removable windows or in ventilators used in conjunction with readily removable windows.

In openings in the roof.

In house or property carrying trailers.

In glazing to the rear of driver in truck or truck tractor cabs where other means of affording visibility of the highway to the side or rear of the vehicle are provided.

In the rear windows of convertible passenger car tops.

(5) AS-6, AS-7 and AS-8 — For glazing only, in the following specific locations:

In house or property carrying trailers.

In the rear windows of convertible passenger car tops.

In windscreens for motorcycles.

In flexible curtains or readily removable windows or in ventilators used in conjunction with readily removable windows.

7.5 (5) *Obstruction of driver's vision.* Venetian blinds, signs, poster, novelties or other personal property or material upon or placed, hung or attached in such a position as to interfere with the vision through the front windshield, side wings, side or rear windows are not permitted unless expressly allowed or directed by law. Tinted sprays or paints are not permitted.

7.5 (6) *Glazing requirements.* Passenger and commercial motor vehicles.

a. The inspection mechanics are required to check any defects as defined by the following requirements in glazing material on any type motor vehicle submitted for inspection.

b. Legend (Key to illustrations and numbers on glazing chart).

- (1) No. 1 - Windshield (driver's side).
- No. 2 - Windshield (passenger's side).
- No. 3 - Ventilator (front).
- No. 4 - Front door.
- No. 5 - Rear door.
- No. 6 - Rear side (2-door sedan).
- No. 7 - Rear quarter.
- No. 8 - Rear side.
- No. 9 - Rear window.

Cloudiness means any degree of discoloration or separation discernible to the eye. Critical area: The areas cleaned by the normal sweep of both windshield wipers.

(2) No. 1 and No. 2: No more than one-inch cloudiness allowed from the top and side edges or more than three inches from the bottom edge of the windshield.

(3) No. 3: One-inch cloudiness allowed from edge of glass at top, front and bottom.

(4) No. 4: Two-inch cloudiness allowed extending at any or all points from edge of glass at top and rear — five-inch cloudiness

allowed at any or all points from edge of glass at bottom.

(5) No. 5 and 6: Two-inch cloudiness allowed extending at any or all points from edge of glass at top and sides — five-inch cloudiness allowed at any or all points from edge of glass at bottom.

(6) No. 7 and 8: Two-inch cloudiness allowed around outer edges.

(7) No. 9: Rear window should be rejected if the window is so cloudy or discolored so that the driver does not have a clear view for at least two hundred feet to the rear.

(8) No. 1, 2, 3, 4, 5, 6, 7, 8 and 9: Replace if one or more cracks show sharp edges.

(9) No. 1 and 2: Cracks or scratches more than ½-inch wide or six inches long, star chips that exceed 1½ inches in diameter or cloudiness that extends more than one inch from the top or three inches from the bottom of the windshield. Reject if driver's vision is interfered with to immediate right, left, or rear in the critical area.

(10) No. 1: Wiper blade scratches — if severe enough to distort vision — must be replaced. Inspector must use his own discretion.

(11) Windshields approved with a manufactured tinted band across the top should not be confused with the cloudiness restrictions. This is an approved windshield.

(12) No. 1 and 2: "Stone nicks or chips" (small chips dislodged from glass) 3/8-inch or small permitted. Reject if in critical area.

(13) No. 1, 2, 3, 4, 5, 6, 7, 8, and 9: "Bulls eye", "half moon" (nonvented chips not dislodged from glass). Replace if in critical area or accompanied by star break.

(14) Plastic curtains and rear windows approved for such vehicles as convertibles, jeeps, etc., must conform with restrictions as to cloudiness. If removed or they are badly scratched, discolored or in such condition as to distort or obstruct vision to the side or rear, they must be rejected.

(15) Both door windows in the front doors must be readily opened. Lack of proper window control will mean rejection.

## 7.6 (321) T.VII Wipers, mirrors, body items and frame.

### 7.6 (1) Wipers.

a. All motor vehicles must be equipped with windshield wipers in good working order. All wiper blades must clean an arc, and be free of deterioration.

b. All vehicles originally equipped with two wiper arms and two wiper blades (one set on driver's side and one set on passenger side) must have both in place and in good working condition.

c. Must be rejected for the following:

(1) Controls located beyond reach of the driver.

(2) If 1968 and later vehicles are not equipped with systems capable of functioning at two or more speeds.

(3) Visible evidence of physical breakdown of the blade, damaged, torn or hardened rubber.

(4) If blades smear or streak windshield after five cycles of operation with windshield continuously wet, and wiper controls fully on.

7.6 (2) *Mirrors.* Rearview mirrors must be mounted to permit a clear view by the operator to the rear of the vehicle for a distance of not less than two hundred feet. If the vehicle is so constructed or loaded as to prevent the operator's view to the rear, an outside mirror must be installed. If the mirrors are cracked or discolored, they must be replaced or rejected.

### 7.6 (3) *Body items.*

a. Motor vehicles with bumpers, fenders, doors or rocker panels having protruding or broken sharp edges that would be hazardous conditions must be corrected.

b. Doors with inoperative latches, handles or hinges; doors wired shut or otherwise secured in the closed position, must be rejected.

c. Either front or rear floor pans rusted through, so as to present a hazard to occupants by permitting passage of exhaust gases into the body of the car, must be rejected. Check trunk floor pans for openings that will allow gases to enter passenger compartment.

d. Motorcycle mudguards cannot be used as fenders on automobiles.

e. Reconstructed vehicles (see special section for requirements).

f. Rust spots shall not be a consideration for rejecting the vehicle unless materially affecting the safe operation.

g. Registration plates cannot be obscured and must be securely fastened. Trailer hitches or anything that obscures the plate so that it is not visible to the rear must be rejected.

**7.6 (4) Frame.** Frames that are bent, cracked, or welded badly shall be cause for rejection, if in sound judgment it is considered dangerous by the inspector.

**7.6 (5) Safety belts, safety harnesses and retracting devices.**

a. It is unlawful to sell, install or use safety belts, safety harnesses or retracting devices unless they are an approved type.

b. Every new or used car, pickup, or school bus, 1966 model or newer, sold, offered for sale, or subject to registration in Iowa except commercial vehicles registered with the commerce commission, shall be equipped with at least two sets of safety belts or safety harnesses installed for use in the front seat of such vehicle; however, when a pickup or school bus has only an operator's seat, such vehicle need be equipped with only one safety belt or safety harness installed for use by the operator thereof.

c. The safety belts or safety harnesses required shall not be removed as long as the vehicle is subject to registration.

#### **7.7 (321)T.VII Steering and suspension.**

**7.7 (1) Steering.** Front end inspection of a car is one of the vital safety checks. All inspections must be conducted in accordance with the allowable tolerances provided for by the manufacturer's specifications with particular attention to the amount of play in front wheels according to the diameter of the tires.

**7.7 (2) Steering wheel play.** Determination of allowable steering wheel play as follows:

a. Check steering wheel arc play with the front wheels of the vehicle on the road surface. Measure the arc distance of the steering wheel required before the front wheels move. On vehicles equipped with power steering units, check the system with the engine running

unless it is a type designed to be checked with the power off.

b. More than two inches, total arc play is cause for rejection.

c. Any worn or broken parts in the steering system or any leakage of the power unit is cause for rejection.

#### **7.7 (3) Steering alignment.**

a. The steering alignment should be checked to assure that there will be no unnecessary rapid wear on the tires and to avoid poor steering reactions.

b. Toe-in and toe-out should be checked and rejected if alignment tester indicates more than  $0 \pm 30$  or  $0 \pm 1/8$  inch.

**7.7 (4) Rear wheel tracking.** Observe whether rear wheels follow front wheel tracks in "straight ahead" travel.

a. Reject if rear wheel does not follow the front wheel track in "straight ahead" travel.

b. Do not reject if the motor vehicle is designed with different thread widths - front and rear.

**7.7 (5) Wheel suspension examination.** Jack up front wheels and check for loose, broken or worn parts. Examination includes wheel bearings, spindles, bushings, all steering linkage, shock absorbers and ball joints.

a. King pin examination. The allowable wheel play for king pins is  $1/4$  inch.

b. Ball joint inspection. Ball joint wear inspection can be conducted only when the ball joints are unloaded. This is accomplished only by hoisting the vehicle by the lower control arm (see Fig. 7) or by hoisting the vehicle by the frame when the spring is supported by the upper control arm (see Fig. 8).

(1) Whenever excessive play is evident, the vehicle should be rejected.

(2) A vehicle which has excessive wear in the load carrying ball joint, the ball joint shall be rejected.

c. Causes for rejection of ball joint.

(1) Total movement in and out at top and bottom as well as side motion of tire in excess of the allowable maximums is cause for rejection.

(2) Excessive movement of the unloaded ball joint. The upper ball joint on vehicles where the spring is supported by the lower control arm and the lower joint on vehicles where this spring is supported by the upper control arm.

(3) For excessive wear of the load carrying ball joint if the horizontal motion of the tire during rocking (see Fig. 9 or 10) exceeds the manufacturer's tolerances, or if the vertical motion (see Fig. 11 or 12) exceeds the manufacturer's tolerances.

(4) Reject if the rear axle is not in proper alignment with the longitudinal axis of the vehicle, as determined by visual inspection.

(5) Reject if the shock absorber or cross stabilizer links are disconnected, broken, bent or perceptibly loose.

(6) Reject if suspension springs are broken or not in proper repair or if shackles are worn, loose, or extended. Springs that have had tension removed by excess heating should be rejected.

(7) Reject if steering mechanism has been modified so as to affect the proper steering of the vehicle. Lowering the front end so weight is unevenly distributed.

(8) Any defective component of the front or rear suspension system which adversely affects braking or steering.

#### 7.8 (321)T.VII Exhaust system.

7.8 (1) Perform a complete and thorough check of the exhaust system, including manifolds, gaskets, muffler, exhaust lines, brackets and clamps.

7.8 (2) Motor vehicles cannot be equipped with a muffler which is perforated or which was perforated and has been repaired, either by a muffler repair jacket or by patching or in any other way. In those cases where a muffler is perforated at the time of an inspection or has been perforated and has been repaired previous to the inspection, the muffler must be rejected. All repairs to mufflers are prohibited.

a. A protective kit of porcelainized material may be used on new mufflers or one in excellent condition as a preservative only.

b. Welding together of exhaust components is permitted provided it is done in a

workmanship-like manner and no exhaust leaks can be detected.

7.8 (3) Pipe or tubing used in the exhaust systems of motor vehicles shall be of solid construction or an approved type of bendable tubing.

7.8 (4) When a muffler cut-out or by-pass or similar device is installed the vehicle cannot be approved. Lake pipes are definitely not allowed.

7.8 (5) Drain holes on bottom side of muffler provided by the manufacturer are permitted.

7.8 (6) Chambered pipes are permitted providing:

a. Exhaust gases are emitted at the same point in the same direction as original equipment.

b. Noise must be suppressed and to a level at least equal to the original muffler.

c. It must be safe, free from any leaks and cannot be altered or modified in any way.

#### 7.8 (7) Resonators.

a. When the original exhaust on a vehicle has resonators installed as an integral part, reject if the resonator or other parts are defective.

b. It is permissible to replace resonators with straight pipes in the event that parts are no longer available and a substitute part is provided and joints are tight.

7.7 (8) Tail pipe replacement must extend the same length and emit exhaust fumes at the same point as original equipment. In no case will the exhaust system be less than furnished with the original equipment on passenger vehicles.

When it is deemed necessary, commercial vehicles may be converted to a stack type, overhead exhaust system, providing it is done in a good workmanship manner, using new pipe of solid construction, properly welded and located immediately to the rear of the cab. At no time will any part of the system pass through the passenger compartment.

#### 7.9 (321)T.VII Windshield defroster.

7.9 (1) Motor vehicles produced after January 1, 1969, must be equipped with wind-

shield defroster systems, and they should be checked.

7.9 (2) Turn on windshield defroster fan switch to "high" blower speed and inspect for heated air blowing over the inside of the windshield, covering areas directly in front of the driver and front seat passenger.

7.9 (3) Reject if fan blower fails to function and the stream of heated air cannot be "felt" against the proper area.

#### 7.10 (321)T.VII Sun visors.

7.10 (1) Inspect sun visors for broken, bent, or loose parts which prevent the visors from being positioned; or for visors which will not stay in a set position.

7.10 (2) Reject if the visor on the driver's side is missing.

#### 7.11 (321)T.VII Fuel system.

7.11 (1) Visually examine the fuel tank, fuel tank support straps, filler tube (rubber, plastic, metal) tube clamps, fuel tank vent hoses or tubes, filler housing drain, overflow tubes, and filler cap.

7.11 (2) Reject for any part of the system that is not securely fastened.

7.11 (3) Reject for fuel leakage at any point in the system.

7.11 (4) Reject for missing filler cap.

#### 7.12 (321) T.VII Horn.

7.12 (1) Each motor vehicle must be equipped with a horn which must be firmly mounted.

7.12 (2) Horn should be rejected if:

a. Poor, shoddy electrical connections on electrically actuated horns exist.

b. Actuating device is not easily accessible to vehicle operator.

c. Horn is not audible for 200 feet.

d. Horn that emits an unusually loud or harsh sound or whistle.

e. Bulb or hand-operated horn is acceptable if original vehicle equipment.

[Effective January 3, 1972.]

Rules are approved by the Departmental Rules Review Committee with the stipulation that the Commissioner of Public Safety will present them to the Transportation Committees of the Senate and House of Representatives for review and that he return to this review committee within six months to make a report of any recommendations made to him and submit amendments to these rules accordingly.

These rules having been submitted to the Attorney General on December 3, 1971, and the Attorney General having failed to render an opinion thereon within 30 days after such date are being filed as provided in 17A.8 of the Code without his advisory opinion.

### CHAPTER 8

#### MINIMUM REQUIREMENTS FOR INSPECTION OF LARGE TRUCKS AND OTHER COMMERCIAL TYPE MOTOR VEHICLES CLASS "A"

8.1 (321)T.VII Condition of tires and wheels.

8.1 (1) Tires must meet the same requirements as passenger vehicles. EXCEPTION: Regrooved tires are permitted.

8.1 (2) Inspect rims and lock rings for improper matching, condition, tightness of nuts and clamps, and evidence of slippage.

8.1 (3) Reject the following:

a. If rims and rings are mismatched.

b. If ring shows evidence of slippage or excessive rust or damage.

c. If rims or rings are bent, sprung, cracked, or otherwise damaged.

d. If clamps or nuts are loose, damaged or missing.

8.1 (4) Inspect wheel nuts, studs or clamps for tightness, general condition and thread engagement.

8.1 (5) Reject for loose wheel nuts, improper thread engagement, and broken, excessively rusted, missing or mismatched wheel nuts, studs or clamps.

8.2 (321)T.VII Brakes. In addition to the requirement as set forth under passenger vehicle requirements, the following will also apply:

**8.2 (1) Brake inspection.**

a. A thorough brake inspection should include looking at the inside of the brake assembly, which is relatively easy when checking passenger vehicles. However, the removal of wheel hubs and drums from large commercial vehicles is another matter and is impractical at an inspection station.

b. The "pulling" of wheels for brake inspection on heavy vehicles (both new and used) is not required except when considered mandatory by an inspector who observes a problem and then only by a highly qualified inspector.

**8.2 (2) Service brake performance test.**

a. Drive vehicle onto "drive-on-and-stop" platform tester (if available). Official inspection station shall not be required to purchase platform testers. Apply brakes firmly at speeds between 4 to 8 miles per hour without wheel lockup. However, all brake action must take place on platforms.

b. The machines may be used to inspect the relative effectiveness of each wheel. There should be braking action on all wheels and the action should be 75 percent or more of the action on the other wheel on the same axle.

**8.2 (3) Reject vehicle for the following.**

a. If readings are less than reading called for by American National Standards Institute.

b. If any wheel fails to indicate braking action.

c. If the reading on any one wheel is less than 75 percent of the reading on the other wheel on the same axle.

**8.2 (4) Hydraulic system.** Leakage and pedal reserve should be checked with engine running when equipped with vacuum or air assisted hydraulic systems. "Pumping" or repeated application of brake pedal is not permitted.

a. Check hydraulic system without power assist by applying moderate foot force and maintaining such force for one minute. During this time test pedal reserve by observing remaining available pedal travel.

b. Check hydraulic system with vacuum assist for leakage with the engine running and

vehicle stopped, a moderate foot force to brake pedal and maintain for one minute.

c. The test for pedal reserve on vacuum assist systems, with line pressure booster, apply a moderate foot force, and observe the remaining available pedal travel.

d. The test for pedal reserve on vacuum assist systems, with master cylinder booster, pedal travel has no significance so does not require inspection.

e. The test for leakage of hydraulic system with air power assist, apply two -- three pounds per square inch air pressure and maintain for one minute.

f. Rejection would be when brake pedal moves slowly in applied direction while foot pressure is maintained; when less than 1/5 of the total available pedal travel remains; or air power assist push rod moves slowly toward master cylinder while air pressure is maintained for one minute.

**8.2 (5) Brake drums.**

a. Brake drums must be smooth.

b. Heavy duty vehicles with 14-inch brake drums or larger, if worn or scored, cannot be turned down more than .080 inches beyond the original specified inside diameter or more than the manufacturer's recommended specifications, whichever is smaller.

c. Brake drums cannot be worn more than .120 inches or 50 percent beyond the recommended turndown specifications, whichever is smaller.

**8.2 (6) Vacuum or pressure hose.** Every vehicle operating on the highways of this state shall be equipped with vacuum or pressure hose for brake systems of a type which has been approved by the department of public safety.

**8.2 (7) Parking brakes.** Same as passenger vehicle requirements.

a. Test parking brakes with vehicle loaded as near as possible to the maximum gross weight permitted under registered classification, when possible.

b. When a drive shaft type of hand brake is used on the vehicle, special attention must be given to the condition of the drive shaft, universal joints, splines and grease on the lining.



8.2(8) *Causes for rejection of brake system.* Same as passenger vehicle requirements, and failure of any part of pressure systems or insufficient tank reserve.

8.3 (321)T.VII **Lighting and electrical systems.**

8.3(1) *Headlamps commercial vehicles.* Checking of commercial vehicle headlights shall conform to passenger vehicle requirements, except for the following provisions:

a. The high beam on the 7-inch conventional headlight and the single filament (type 1) 5¾-inch lamp used on dual headlight systems should be aimed with center of high intensity zone five inches below the horizontal line which represents the level of the lamp center. Mechanical horizontal aim should be set no more than four to the left or four to the right and vertical aim no higher than four up or lower than four down.

b. The aiming of the low beam type 2, double filament 5¾-inch lamp used on dual headlight systems and 7-inch type two lamps should be aimed with top edge of the high intensity zone three inches below the horizontal line which represents the level of the lamp center. Mechanical horizontal aim should be set no more than four to the left or four to the right and vertical aim no more than four up and lower than four down.

c. Conventional type buses should be aimed the same as passenger vehicles.

d. School or regular buses mounted on truck type chassis should be aimed the same as commercial vehicles.

e. When lamp centers are higher than 42 inches above the road surface, the top of the high intensity portion of the beam must not be higher than the center of the lamp from which it comes at a distance 25 feet ahead of the lamp and in no case shall it be higher than 42 inches above the level on which the vehicle stands at a distance of 75 feet ahead.

8.3(2) *Beam indicator lights.* Same as passenger requirements.

8.3(3) *Auxiliary driving head lamps.* Same as passenger requirements.

8.3(4) *Adverse weather (fog) lamps.* Same as passenger requirements.

8.3(5) *Rear, stop and license plate lamps.*

a. Every motor vehicle, every trailer or semitrailer attached to a motor vehicle, and every vehicle being drawn at the end of a combination of vehicles must be equipped with at least two red rear lamps: except that a tractor, motorcycle, truck-tractor or towing vehicle engaged in a drive-away tow-away operation must be equipped with at least one such lamp.

b. All other requirements for these lamps shall be the same as listed for passenger cars.

8.3(6) *Directional signal lamps.* Every motor vehicle or combination of vehicles must be equipped with two signal lamps on the front, and two signal lamps on the rear of a type approved by the department of public safety except that truck tractor shall be legal for operation without signal lamps on the rear when Class A double face signals are used on the front. Signal lamps on every commercial motor vehicle which are 80 inches or more in width and having a registered capacity gross weight of eleven thousand pounds or more, must be Class A, double face on the front and single face Class A on the rear.

a. On every trailer, or semitrailer, regardless of width or weight, signal lamps in the rear must be single face, Class A.

b. Transit, intercity buses, school buses and walk-in vans having a box front without protruding fenders, may be equipped with single face, flush mounted Class A signal lamps on the front. Such vehicles may be equipped with side turn signals of a type approved by the department of public safety.

c. Front and rear turn signals shall be mounted as nearly as if practical at the extreme sides of the vehicle. In no case shall Class A lamps be spaced laterally less than three feet apart and not less than two feet shall separate Class B turn signals. Side turn signals shall be mounted at a height of not more than 72 inches nor less than 36 inches above the ground.

d. Front signals should not extend beyond the outboard edge of the fender line of conventional type vehicles. When doubleface signals are used on vehicles with box type fronts, they shall be mounted so as to be visible to the rear of the vehicle but shall not

extend beyond the fender line more than is necessary to provide such visibility and in no case may they extend beyond the outer-most line of the outside mirror.

e. Turn signal lamps and operating switches must be of a type approved by the department of public safety. All other requirements for turn signals shall be as listed for passenger vehicles.

**8.3(7) Hazard warning switches.** Every motorbus and omnibus for the carriage of passengers for hire, except taxicabs, every truck, truck-tractor or other commercial vehicle and every combination of vehicles must be equipped with a switch or combination of switches of a type approved by the department of public safety, which when activated will cause the two front and two rear turn signal lamps to flash simultaneously as a vehicular traffic hazard warning. The system shall be capable of operation with the ignition of the vehicle turned on or off.

a. Operation of the hazard warning signals, shall be indicated by a separate red telltale indicator; by the simultaneous flashing of both turn signal indicators, or by a combination of both. When only one turn signal indicator is provided, a separate hazard warning indicator must be provided. All installations must be as approved by the department of public safety.

b. The hazard warning switch must operate independently from the turn signal operating unit. The switch may be in combination with the turn signal switch but the movement necessary to activate the hazard function may not be the same as, or similar to, that needed to activate the turn signals.

**8.3 (8) Clearance lamps.**

a. Every commercial motor vehicle having a registered capacity gross weight of eleven thousand pounds or more, trailer, semitrailer, motor omnibus or motorbus having a width of 80 inches or more and every combination of vehicles engaged in a driveaway-towaway operation must be equipped with two clearance lamps on the front displaying amber light visible from a distance of five hundred feet to the front and two clearance lamps at the rear displaying red light visible from a distance of five hundred feet to the rear. Such lamps shall be electric and the rear lamp shall be in addition to the required red rear lamp or lamps.

b. Clearance lamps are not required on a pole trailer or on the rear of a truck tractor or on a motorbus or motor omnibus operated entirely within municipalities when their interiors are illuminated. On driveaway-towaway combinations they are required only on the front of the towing vehicle and the rear of the rearmost towed vehicle.

c. As far as practicable, clearance lamps shall be mounted to indicate the extreme width and height of the vehicle except that on a truck-tractor they shall be mounted to indicate the extreme width of the cab.

**8.3 (9) Identification lamp.**

a. Every commercial motor vehicle having a registered capacity gross weight of eleven thousand pounds or more, trailer, semitrailer, motor omnibus, motorbus or combination of vehicles having a width of 80 inches or more must be equipped with three amber electric lamps on the front and three red electric lamps on the rear; except that such lamps are not required on house trailers, mobile homes or office trailers required to have special hauling permits, on the rear of a truck tractor, or on the front of a trailer, semitrailer, pole trailer or the towing vehicle in a driveaway-towaway operation.

b. Mounting requirements.

(1) Lamps must be mounted on the vertical center line of the front and rear of the vehicle and shall be evenly spaced not less than six nor more than twelve inches apart along a horizontal line near the top of the vehicle. The lamp must be visible from five hundred feet.

(2) On vehicles where the cab is not more than 42 inches wide at the front roof line, one lamp in the center is sufficient. On pole trailers, the lamps may be mounted on the rear of the cab of the towing vehicle but they must be higher than the load being transported.

**8.3 (10) Side marker lamps.**

a. Every commercial motor vehicle having a registered capacity gross weight of eleven thousand pounds or more, every trailer, semitrailer, motor omnibus or motorbus, or combination of such vehicles and every combination of vehicles engaged on a driveaway-towaway operation must be equipped with at least four side marker lamps, one amber on each side

near the front and one red on each side near the rear. They must be mounted as near the top as practicable.

b. Trailers 30 feet or more in length, shall be equipped with one additional amber marker lamp on each side, at or near the center, or uniformly spaced along the length of the vehicle, mounted at optional height.

c. If any clearance lamp displays a light visible from a distance of five hundred feet at right angle to the side of the vehicle at which it is mounted, it shall be deemed to meet the requirements for side marker lamps at that approximate location.

### 8.3 (11) *Reflex reflectors.*

a. Every commercial vehicle including every truck, truck tractor, semitrailer, motorbus or motor omnibus must be equipped with two red reflectors mounted on the rear; except that they may be mounted on the rear of the cab of a truck tractor. Every reflector required herein shall be a Class A reflex reflector of a type approved by the department of public safety and shall not be combined with any other device.

b. Every such vehicle, 80 inches or more in width, except a truck tractor or a pole trailer, must also be equipped on each side with one amber reflector mounted at or near the front and one red reflector mounted at or near the rear. Trailers or semitrailers 80 inches or more in width and 30 feet or more in length, except pole trailers, must be equipped with at least one additional amber reflector, mounted at or near the center or at approximately uniform spacing on the length of the vehicle.

c. Every pole trailer must be equipped on each side with one amber reflector at or near the front of the load and with one red reflector on the rearmost support for the load.

d. Reflectors must be mounted at a height not to exceed 60 inches, and not less than 24 inches above the ground upon which the vehicle stands.

8.3 (12) *Cowl or fender, running board or ornamental lights.* Same as passenger requirements.

8.3 (13) *Obstruction of lighting devices.* Same as passenger requirements.

8.3 (14) *Flares and flags.* Every commercial motor vehicle, motorbus or omnibus, except taxicabs, every combination of vehicles and every trailer or semitrailer designed for the living quarters of persons must be equipped with at least three red flags not less than 12 x 12 inches with standards to support such flags, and not less than three flares, or three red electric lanterns, or three portable red emergency reflex reflector flares and at least three red burning fusees unless red electric lanterns or red portable reflex reflector flares are carried. Vehicles operating exclusively within the confines of a municipality or within a business or residential area are exempt from this requirement.

8.3 (15) *Illuminated advertising signs.* Illuminated advertising signs, of an approved type, may be mounted on the rear or the roof of taxicabs. Such signs may not be higher than fourteen inches and shall be no wider than eight inches less than the width of the vehicle at the point of attachment and shall not cover any portion of the window nor obscure the rear lamps or license plate.

### 8.3 (16) *Fire extinguisher.*

a. It shall be unlawful for any person to operate on the highways of this state a vehicle towing a trailer or semitrailer designed for the living quarters or carriage of persons or to operate any commercial motor vehicle engaged in transportation of flammable liquids, flammable or combustible chemicals, explosives or cargoes of a combustible nature, unless such trailer, semitrailer or commercial vehicle be equipped with at least one fire extinguisher of approved type in good condition and ready for use, which utilizes an extinguishing agent that does not need protection from freezing. Such fire extinguisher shall not be smaller than one quart if the carbon tetrachloride type is used, and not less than two pounds if the carbon dioxide type is used.

b. An approved type extinguisher must bear label "Underwriters Laboratories, Inc., inspected."

c. Every school bus shall be equipped with at least one dry chemical fire extinguisher to be of a type approved by the Underwriters Laboratories, Inc., of a size no less than five pounds, and carrying an 8 B.C. rating. School buses or any bus used for

transportation of school children may not be equipped with a fire extinguisher containing carbon tetrachloride.

8.3 (17) *Seat belts or safety harnesses.*  
Same as passenger requirements.

8.4 (321) T.VII *Glazing requirements.*  
Same as passenger vehicle requirements.

8.5 (321) T.VII *Wipers, mirrors, body items, horns and frames.* Same as passenger vehicle requirements.

8.6 (321) T.VII *Steering and suspension.*  
Same as passenger vehicle requirements.

8.7 (321) T.VII *Exhaust system.* Same as passenger vehicle requirements, including the following:

8.7 (1) On those vehicles that have a separation between the truck tractor and semitrailer, the exhaust pipe must extend to the rear of the passenger carrying section. The foregoing does not apply to those vehicles equipped with overhead exhaust pipes.

8.7 (2) When in the opinion of the department of public safety it is unsafe to have exhaust fumes emitted to the rear or the top of a commercial motor vehicle, it is permissible to have such exhaust systems extend and emit exhaust fumes beyond the front bumper.

8.7 (3) Conversion of the original exhaust system on commercial vehicles to a stack type, overhead exhaust system is permitted providing it is done in a workmanlike manner, using new pipe of solid construction, properly welded and located immediately to the rear of the cab.

[Effective January 3, 1972.]

Rules are approved by the Departmental Rules Review Committee with the stipulation that the Commissioner of Public Safety will present them to the Transportation Committees of the Senate and House of Representatives for review and that he return to this review committee within six months to make a report of any recommendations made to him and submit amendments to these rules accordingly.

These rules having been submitted to the Attorney General on December 3, 1971, and the Attorney General having failed to render

an opinion thereon within 30 days after such date are being filed as provided in 17A.8 of the Code without his advisory opinion.

## CHAPTER 9

### MINIMUM REQUIREMENTS FOR INSPECTION OF MOTORCYCLES

#### CLASS "D"

9.1 (321) T.VII *Inspection requirements.* Any condition, part or assembly that fails to comply with the following requirements, or any other condition, part or assembly not specifically mentioned, but in an obviously unsafe condition, that constitutes a hazard to the safe and proper operation of the vehicle, must be deemed sufficient justification to reject the motorcycle for inspection until such condition or hazard has been corrected.

9.2 (321) T.VII *Steering, alignment and suspension.*

9.2 (1) *Steering and wheel alignment.* These items should be checked visually and adjusted according to manufacturers' specifications. Check for condition, adjustment, wear and broken or defective parts. Causes for rejection:

1. Bent frame.
2. Wheels out of line.
3. Broken, loose or worn components.
4. Heated or welded plated parts.
5. Loose, broken, defective or out of adjustment steering-head bearing.
6. In the normal riding position, the handlebar grips shall not be higher than fifteen inches above the saddle.
7. Loose, bent, broken or damaged handlebars.
8. Unless regulations provide otherwise the front fork shall be original factory installed or equivalent replacement equipment.

9.2 (2) *Suspension.* Examine suspension system, reject defective, broken, unsafe or missing components.

9.3 (321) T.VII *Tires, wheels and rims.*  
Same as passenger vehicle requirements.

**9.4 (321) T.VII Exhaust and fuel systems.**  
Causes for rejection:

9.4 (1) All motorcycles must be equipped with an adequate muffler and exhaust system, in constant operation, to prevent excessive or unusual noise.

9.4 (2) Exhaust system or its elements not securely fastened. Loose or leaking joints in the exhaust system, holes, leaking seams, or loose interior baffles in the muffler. Small holes, obviously made by the manufacturer to provide drainage, are not cause for rejection.

9.4 (3) A muffler cutout, muffler bypass, removable covers, or similar device or any device or addition to the exhaust system that allows excessive or unusual noise.

9.4 (4) Any replacement which does not extend to the same length, emit exhaust fumes at the same point or which makes more noise than that which was furnished as original equipment.

9.4 (5) Any muffler which is not original factory installed equipment or equivalent replacement equipment, or any muffler which was not designed for on-highway use.

9.4 (6) Removal of the diffuser (muffler) or any internal parts. Mufflers designed to be taken apart for cleaning shall not be rejected if all the parts are installed.

9.4 (7) Fuel leakage at any point in the fuel system.

9.4 (8) Fuel tank and piping not securely installed.

9.4 (9) Fuel tank not vented, unless installed as original equipment.

9.4 (10) Throttle not aligned or binding; linkage worn, bent, broken, corroded or missing.

**9.5 (321) T.VII Brakes.**

9.5 (1) *Service brake.* Every motorcycle must have a service brake system acting upon all wheels. It need not act simultaneously on all wheels, or, the wheel of a sidecar at anytime.

9.5 (2) *Pedal reserve.* With vehicle in standing position, measure the brake travel when forty to sixty pounds pressure have been applied to the pedal. Reject if foot and hand levers do not have at least 1/3 of their travel as reserve after the brakes are fully applied.

9.5 (3) *Condition of mechanical components.* Visually inspect the condition of the mechanical components by removing the front wheel of a used motorcycle, only. Items to be repaired or replaced must be rejected during inspection: worn pins; missing or defective cotter pins; broken or missing springs; worn rods, clevises or couplings; misaligned anchor pins; frozen, rusted or inoperative connections; missing spring clips, improper wheel bearing adjustments; or, defective grease retainers. Check pedal shaft and bearings for high friction, wear and misalignment. Also, check restriction of shoe movement at backing plate and bind between brake shoes and anchor pins. Any angle greater than 90° between the cam operating lever and the actuating cable or rod.

9.5 (4) *Condition of hydraulic system.* Inspect hydraulic system visually. Causes for rejection:

1. Leaks in master cylinder or wheel cylinders.

2. Hydraulic hoses abraded; hydraulic hoses, tubes, or connections leaking, restricted, crimped, cracked or broken. Connecting lines not properly attached or supported to prevent damage or abrasion by contact with the frame, axle, other lines, or any other part of the vehicle. Pressure hoses not of approved type.

3. Master cylinder rod improperly adjusted.

4. Tendency of brake pedal to move slowly toward applied position (indicating fluid leakage) while foot pressure is maintained on it one minute.

5. Fluid level in master cylinder perceptible below full mark.

**9.6 (321) T.VII Lighting and electrical system.**

9.6 (1) *Headlamp testing.* Beams shall be inspected for specific aim by using one of the following methods:

1. Approved screen, placed 15, 20, or 25 feet in front of the headlamp. Intensity meter must also be provided with the screen.

2. Approved headlight testing machine.

**9.6 (2) Preparation for aim inspection.**

1. Rock cycle to free and equalize suspension and check for equal tire inflation.
2. Aim with rider in the saddle.
3. Clean lenses, check for burned-out and correct bulbs, proper wiring and switches. Check for broken or cracked aiming pads, if mechanical aimers are to be used.
4. Check headlamp approval. One lamp is required; not more than two are permitted.

**9.6 (3) Headlamp adjustment.**

a. Adjust lamp until hot spot on high beam is aimed straight ahead and dropped as follows:

- (1) Double filament lamp: 3-inch drop (high beam) at 25 feet; 2 3/8-inch drop (high beam) at 20 feet; 1 1/4-inch drop (high beam) at 15 feet.
- (2) Single filament lamp: 6-inch drop at 25 feet; 4 3/4-inch drop at 20 feet; 3 5/8-inch drop at 15 feet.

b. Causes for rejection:

- (1) Any item which would cause rejection on passenger cars.
- (2) Light output is not sufficient to make persons and objects visible at five hundred feet. Beam indicator is not required.
- (3) Dimmer switch in an unnatural location or if inoperative.

**9.6 (4) Additional lighting equipment required.** Inspect for safe operation, wiring, switching and all must be of approved type.

a. Tail lamps – at least one required.

- (1) Must be red in color.
- (2) Must be visible in normal atmospheric condition at night from five hundred feet to the rear.
- (3) Must be activated by same switch which activates the headlamps.

b. Stop signal lamps – at least one required.

- (1) Must be red in color.
- (2) Must be visible in normal sunlight from one hundred feet to the rear.
- (3) Must be activated by application of the brake.

(4) May be combined with other rear lamps.

(5) Must be extinguished when the turn signal lamp is operating, if combined with rear turn signals.

c. License plate lamp – one required.

- (1) Must be white in color.
- (2) Must be visible under normal atmospheric conditions at night from 50 feet to the rear.
- (3) Must be activated by same switch which activates the headlamps.

d. Reflectors – one required, two permitted.

(1) Must be mounted 20 inches above the ground on which the vehicle stands except that when construction of the vehicle makes it impractical, the reflector shall be mounted as high as practical on the rear.

(2) May be in combination with other approved lamps.

**9.6 (5) Additional light equipment.** The following lamps are not required by law but will be permitted, providing they comply with the following regulations:

a. Fog lamps or auxiliary driving lamps.

- (1) At least two but not more than three permitted.
- (2) Must be of approved type.
- (3) Must be spaced not less than 20 inches apart.
- (4) Must be permanently and rigidly mounted and aimed as provided under headlamps.
- (5) May be wired independently of, or in conjunction with, the headlamps.
- (6) Must be wired in conjunction with the tail lamps.

b. Parking lamps.

- (1) One lamp on the left side of the vehicle showing to the front.
- (2) Must be white or amber in color, on front of vehicle.
- (3) Must function in conjunction with the tail lamps.

(4) Must be visible in normal atmospheric conditions for a distance of five hundred feet.

c. Turn signal system.

(1) Two lamps visible from the front and two lamps visible from the rear. Must be approved type.

(2) Lamps showing to the front must be amber or white in color.

(3) Lamps showing to the rear must be red in color.

(4) May be passenger vehicle or truck type.

d. Hazard warning lamps. Same as passenger vehicle requirements.

9.6 (6) Reserved for future use.

9.6 (7) *Wiring and switches.* Causes for rejection:

a. Switches and operating units which are not in good condition and functioning properly.

b. Wiring in poor condition, improperly installed or insulated and so located as to incur damage.

c. Power source which does not maintain lamps at required brightness for all conditions of operation.

9.6 (8) *Horn.* Causes for rejection:

a. Horn not securely fastened to vehicle.

b. Horn not audible under normal conditions for at least two hundred feet.

c. Unusually loud or harsh sound.

d. Button placed in an unnatural position.

e. Bells and sirens prohibited unless on authorized emergency vehicles.

9.7 (321) T.VII Vehicle glazing, registration and body items.

9.7 (1) *Vehicle glazing.* Glazing items are not required, but if installed, they must be free of cracks, discoloration or scratches and must be mounted so that the driver's vision is not obstructed.

9.7 (2) *Registration.* Same as passenger vehicle requirements, except only a rear registration plate is required.

9.7 (3) *Body items.* Causes for rejection:

a. Seats designed to carry more than one person which are not equipped with hand grips and foot rests for passenger.

b. Any defective or dislocated part projecting from the vehicle.

c. Engine mounting frame or brackets cracked or broken.

d. Fenders and mudguards broken, missing or of insufficient design. Front fender must extend to a point in a vertical line with the axle. Rear fender must extend to the rear of the tire.

e. Foot rests for driver not securely mounted or of insufficient design or improper location.

f. Seat not equivalent to manufacturer's design, improperly or insecurely attached.

g. When equipped, check side car for proper attachment, and compliance with lighting, tire and braking requirements.

h. Clutch not aligned or binding; linkage worn, corroded, broken or missing.

9.7 (4) *Rearview mirror.* Rearview mirrors are not required but if installed, it must permit a clear view to the rear of the vehicle for two hundred feet.

9.8 (321) T.VII Affix inspection stickers. Same requirement as for passenger vehicle, except that the inspection stickers shall be affixed to the left side of the rear fender toward the front of the fender so that the sticker will be mounted in an upright position. A plate may be attached by welding or by rivets, in this location, for the sticker.

[Effective January 3, 1972]

Rules are approved by the Departmental Rules Review Committee with the stipulation that the Commissioner of Public Safety will present them to the Transportation Committees of the Senate and House of Representatives for review and that he return to this review committee within six months to make a report of any recommendations made to him and submit amendments to these rules accordingly.

These rules having been submitted to the Attorney General on December 3, 1971, and the Attorney General having failed to render an opinion thereon within 30 days after such date are being filed as provided in 17A.8 of the Code without his advisory opinion.

## CHAPTER 10

### MINIMUM REQUIREMENTS FOR FLEET STATIONS - POLITICAL SUBDIVISIONS ONLY CLASS "C"

#### 10.1 (321) T.VII Requirements for appointment.

10.1 (1) An applicant for a fleet station must meet all the requirements as prescribed for a Class "A" or "B" station.

10.1 (2) To be approved as a fleet station, 20 or more vehicles must be registered in the name of the state or political subdivision.

10.1 (3) Inspection privileges will be canceled immediately when the number of vehicles registered or leased drops below 20, unless it is due to a temporary delay in ordering and receiving additional vehicles to supplement the fleet.

10.2 (321) T.VII Method of inspection. Same as passenger or commercial requirements and will include the following: Fleet stations are not permitted to inspect personal vehicles of officers, employees or the general public. (Those vehicles registered to individuals and not in the name of the state or political subdivision operating the official inspection station.) This applies even though the personal vehicle may be used part time.

10.3 (321) T.VII Records. Fleet stations must maintain inspection and odometer records on each vehicle, upon which an official inspection is made by that station.

[Effective January 3, 1972.]

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## DIVISION III

### ADMINISTRATIVE REQUIREMENTS

## CHAPTER 11

### MOTOR VEHICLE REJECTION

#### 11.1 (321) T.VII Vehicle rejection procedure.

11.1 (1) If the inspection reveals deficiencies that need repair or adjustment to conform to regulations, mark inspection form. Print information unless directed to do otherwise.

11.1 (2) A complete inspection must be performed and the inspection form marked as to the condition of the motor vehicle. Print information unless directed to do otherwise.

11.1 (3) *Inspection report form.* There are three copies to each complete set and they must remain at the inspection station until the repairs are made and the motor vehicle has been returned for reinspection.

11.1 (4) The report form must be neat, legible, and give the complete name and address of the vehicle owner. It must list complete specific reasons why the vehicle is rejected.

11.1 (5) If the vehicle is in an extremely unsafe condition, tow the motor vehicle to another location so repairs can be made.

11.1 (6) It should be noted that after an official inspection station issues a rejection report, the owner of the vehicle must return to the same station for reinspection and approval, after repairs are made.

11.1 (7) Each inspection station is entitled to charge an inspection fee even though a rejection is made and rejection sticker is issued. When the vehicle is repaired and returned, a reinspection of the rejected items



must be made and no additional fee may be charged.

**11.1 (8)** A motor vehicle with rejection sticker attached may be sold to an authorized dealer in lieu of repairs. The dealer should obtain the inspection station number or the location of the inspection station that placed the rejection sticker on the motor vehicle, so the inspection forms can be retrieved. Contact should be made with the inspection division for assistance in this matter.

**11.1 (9)** The rejection sticker may only be removed by the inspection station that placed the sticker on the motor vehicle. All inspection forms must be retained by the inspection station, concerning the rejected vehicle, until said motor vehicle returns for a reinspection of the items that were rejected.

**11.1 (10)** All inspection forms concerning a motor vehicle that was rejected and failed to return within the 15 days, must be sent to the inspection division for disposition.

[Effective January 3, 1972.]

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#### CHAPTER 12

##### EXEMPTIONS TO INSPECTIONS

**12.1 (321) T.VII** All vehicles sold at auction to a dealer.

**12.2 (321) T.VII** All vehicles traded to a dealer as a trade-in.

**12.3 (321) T.VII** Antique vehicles as defined by section 321.115 of the motor vehicle code.

**12.4 (321) T.VII** Motor vehicles delivered to a state agency, political subdivision that do not require registration at a county treasurer's office.

**12.5 (321) T.VII** Motor vehicles traded between authorized dealers – (dealer to dealer).

**12.6 (321) T.VII** Abandoned vehicles sold at auction to dealers or salvage dealers.

[Effective January 3, 1972]

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#### CHAPTER 13

##### INSPECTION STICKERS – FORMS – SUPPLIES

**13.1 (321) T.VII** Inspection sticker security.

**13.1 (1)** It shall be unlawful for any person to furnish, give or sell to any owner or operator of a motor vehicle, or to any other person or to place in or on any such vehicle unless an official inspection of its mechanism and equipment shall have been made and the vehicle conforms with the regulations as established by the inspection rules and regulations.

**13.1 (2)** It shall be unlawful for any such designated official inspection station to furnish, give, loan or sell inspection stickers to any other official inspection station or any other persons except those entitled to receive them under the provisions of the inspection rules and regulations.

**13.1 (3)** It shall be unlawful for any person to have in his possession any inspection sticker and inspection form with know-

ledge that such sticker has been illegally purchased, stolen or counterfeited.

13.1 (4) Inspection stickers may only be issued for those vehicles which have been properly inspected and approved.

13.1 (5) Inspection stickers are not transferable. They can only be affixed to vehicles as designated on the inspection report sheet.

13.1 (6) Inspection stickers cannot be reused. In the event of a broken windshield, a new sticker will be issued by contacting the inspection division, department of public safety and a fee of 25 cents for a new sticker must be paid.

a. Never cut out the portion of the windshield containing the sticker and tape it in the sticker location. All stickers are void after they have been removed even though the inspection period for which the sticker was issued is still in effect.

b. Only one current valid Iowa sticker can be visible. The old inspection sticker must be removed and completely destroyed before a new sticker can be affixed.

c. Do not remove the sticker from a vehicle presented for inspection until the complete inspection has been made and the vehicle has been passed. The sticker can then be removed for the express purpose of affixing another valid sticker.

d. The official inspection sticker properly issued to any vehicle requiring inspection, where the sticker is permitted to be carried by the operator, must be surrendered and destroyed before a new sticker can be issued.

13.1 (7) Inspection stickers may only be affixed to a vehicle by an authorized inspection mechanic, within the inspection area of an official inspection station.

13.1 (8) Inspection stickers must be kept under lock and key in a safe place. The station owner or operator is solely responsible for their safety.

13.1 (9) Unused or mutilated stickers must be returned to the inspection division, department of public safety, where an audit will be made of the stickers. The inspection station owner or inspectors should not destroy any stickers. Credit may be obtained for those

returned after audit is complete. Unused inspection stickers will be audited by the inspection division, department of public safety.

### 13.2 (321) T.VII Inspection sticker information.

13.2 (1) There shall be two types of official inspection stickers issued.

a. Type A: All vehicles except motorcycles.

b. Type B: Motorcycles.

13.2 (2) Inspection sticker ordering procedure.

a. Obtain an official order form, indicate number and type of stickers that are needed. Enclose check to cover cost of stickers order.

b. All information on the form must be completed.

(1) Correct station number.

(2) Name and address of the official inspection station, as shown on certificate of appointment.

(3) Orders must be signed by the authorized owner or authorized employee.

(4) Do not enclose money or add postage to your check for stickers.

(5) Sticker orders must be accompanied by a check. All checks must be made payable to the treasurer, state of Iowa.

(6) Only two copies of orders are necessary. Submit the original copy with check or money order to the inspection division and retain one for your file.

(7) Stickers must be ordered in quantities of 25 or multiples of 25 (Example: 25, 50, 75 etc.) including fleet stations.

(8) All incomplete or improper orders or checks will be returned to the official inspection station for correction. To avoid unnecessary inconvenience or delay, recheck information very carefully.

(9) Order your stickers very carefully.

c. All inspection stations should anticipate their need for additional inspection stickers, thus allowing a minimum of ten days for processing by the inspection division.

**13.2 (3) Inspection sticker check list.** The inclusive serial numbers, station number and quantity ordered will appear in the properly marked spaces. Always examine your order and compare this information with your stickers. Report any errors to the inspection division immediately. Do not return the stickers unless authorized to do so.

[Effective January 3, 1972.]

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## CHAPTER 14

### SPECIAL PROVISIONS

#### 14.1 (321) T.VII Foreign.

**14.1 (1)** Foreign make motor vehicles must comply with the same inspection requirements as American make motor vehicles. Many of these vehicles are not export models, and therefore, are equipped with devices which have not been approved by the department of public safety. Particular emphasis is placed on glazing material in these cars. On 1952 models and prior thereto, the designation "AWSW" in addition to the trade mark is required on windshields. Side and rear windows should be marked "AS".

**14.1 (2)** All lighting must be of a type approved by the department of public safety. Rear turn signal lamps with amber lenses are approved for passenger cars. In those cases where lighting equipment does not comply with list of approved devices, approved equipment may be installed and if unapproved devices cannot be removed without causing damage to the vehicle, they must be rendered inoperative by removing bulbs and wiring.

Since there have been no approvals on lighting units of the headlamps on those vehicles, American made sealed beam units approved by the department of public safety are required. Particular attention should be made to make sure that sealed beam units used are the seven-inch type. The No. 2 lamp of dual headlamp system is not approved for this purpose.

**14.1 (3)** If there is any doubt as to whether or not to approve or reject these vehicles, consult the Inspection Division, Iowa Department of Public Safety.

**14.2 (321) T.VII Reconstructed or rebuilt vehicles.** The following information will be considered the correct interpretation of the definition for reconstructed or rebuilt motor vehicles. It has been devised to eliminate the confusion and unwarranted expense to the persons that find they have omitted essential equipment or used parts, which do not conform to the inspection requirements. In such cases, they cannot legally obtain a registration plate or inspection sticker.

**14.2 (1)** All essential parts new or used must be on a vehicle and of a manufacture and design as used in vehicles produced and sold by established motor vehicle manufacturers.

**14.2 (2)** Standard exhaust systems must be used. Lake pipe or lakers, bypasses and cutouts are not permitted.

**14.2 (3)** If used, fenders, bumpers, wheels and tires must be standard size. Motorcycle mudguards are not designed for passenger or commercial vehicles and they are not permitted.

**14.2 (4)** All doors, glass (approved type), rearview mirrors and motor hoods installed on the body of a reconstructed vehicle at the time it is presented for registration cannot be removed, unless they are to be replaced. These are considered essential equipment and must be on the vehicle. Windshields may be cut down on custom built cars.

**14.2 (5)** All brake systems must be of a type used as original equipment, or if modified, be in good operating condition.

**14.2 (6)** Lighting equipment shall conform with present requirements. The lights will be properly wired, using the correct gauge wire, be fused and of an approved type.

14.2(7) A vehicle cannot be properly registered and a sticker cannot be properly issued until the vehicle has been completely inspected.

#### 14.3 (321) T.VII Motor home.

14.3 (1) Any motor home so designed for living quarters and operated under self-propelled motor power and travelling on the highways of the state of Iowa, shall comply with the motor vehicle inspection requirements.

14.3 (2) Motor homes will be issued an inspection sticker due to the fact they are registered and issued registration plates.

14.3 (3) Any truck, station wagon, or commercial motor vehicle manufactured as, or, permanently converted into, a motor home and registered as a motor home is permitted to install windows (approved glass); transparent screens; roll up shades or curtains provided that the curtains are securely fastened while being operated on the highway.

14.3 (4) Outside mirrors should be installed to afford the operators a clear view of two hundred feet to the rear of the vehicle.

[Effective January 3, 1972.]

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These rules having been submitted to the Attorney General on December 3, 1971, and the Attorney General having failed to render an opinion thereon within 30 days after such date are being filed as provided in 17A.8 of the Code without his advisory opinion.

## PUBLIC SAFETY DEPARTMENT (continued)

Pursuant to the authority of House File 522, Acts of the First Regular Session, 64 General Assembly of the state of Iowa the following rules relating to manufacture, transportation, sale, storage, possession, and use of explosive materials; providing penalties for violations of those regulations; and requiring prompt reporting of knowledge or discovery of explosive devices, and providing a penalty for failure to so report are adopted.

[Filed August 19, 1971]

### TITLE VIII

#### EXPLOSIVE MATERIALS

#### CHAPTER 1

#### EXPLOSIVE MATERIALS CODE

1.1 (H.F.522,64G.A.) T.VIII The standard of "Manufacture, Transportation, Storage and Use of Explosives and Blasting Agents" number 495, 1970 edition of the National Fire Protection Association together with its references to other specific standards referred to

shall be the rules governing explosives and blasting agents in the state of Iowa.

1.2 (H.F.522,64G.A.) T.VIII An inspection of all storage facilities shall be made at least every six months and inspection forms filled out in triplicate, the original to be sent to the department of public safety, attention of state fire marshal, the first copy given to the occupant, and second copy to be retained by the inspecting department.

1.3 (H.F.522,64G.A.) T.VIII Inventory shall be of such that it shows amount of explosive material on hand, quantities dispensed and to whom, and quantity on hand at the end of each calendar working day. Any time a shortage appears it shall be reported immediately to the chief of police or sheriff having jurisdiction, who in turn shall cause a federal form 4712 (Department of Treasury, Internal Revenue Service) to be implemented, a copy of which shall be sent to the Iowa Department of Public Safety, attention of state fire marshal.

[Effective August 19, 1971]

## PUBLIC SAFETY DEPARTMENT (continued)

Pursuant to the authority of Senate File 557, Acts of the First Regular Session, 64 General Assembly the following rules regarding the internal operations of the Criminal Conspiracy Unit are adopted.

[Filed September 1, 1971]

### TITLE X

#### DIVISION OF CRIMINAL INVESTIGATION

#### CHAPTER 1

#### CRIMINAL CONSPIRACY UNIT

**1.1 (SF557,64GA) T.X Information from private sources.** The unit may accept information from private sources voluntarily made which relates to organized crime such as those investigations involving conspiracies in supplying illegal goods and services, including but not limited to gambling, prostitution, loan sharking, narcotics, labor racketeering, anti-trust and other activities for unlawful monetary gain.

**1.2 (SF557,64GA) T.X Investigations.** Investigations shall only be initiated by directive of the governor, attorney general, as provided by statute, or commissioner of the department of public safety, or at the request of a county attorney, a sheriff or mayor of a municipality. Investigations shall not be instituted at the request of a private citizen or private organization.

**1.3 (SF557,64GA) T.X Confidential nature of files.** The files, reports, notes and correspondence collected and compiled by the unit shall be confidential in nature and shall be so preserved in a confidential manner.

**1.4 (SF557,64GA) T.X Use of unit facilities.** The resources of the unit, personnel, facilities and equipment shall be used to gather information that is directly related to criminal activity. The unit may also render aid and assistance to the general criminal investigative section of the bureau of criminal investigation as such needs may arise.

**1.5 (SF557,64GA) T.X Written record.** A written record shall be kept by the unit of all individuals receiving copies of information from the criminal conspiracy files.

**1.6 (SF557,64GA) T.X Reliability of information.** All information maintained within the files of the unit shall reflect the degree of reliability and the assessment of the reliability shall be attached to and made a part of the file. The assessment of the reliability shall be signed by the individual making the assessment.

**1.7 (SF557,64GA) T.X Prohibited techniques.** All use of statutorily illegal investigative techniques shall be prohibited and any use of such techniques shall result in discharge or disciplinary action.

[Effective September 1, 1971]

## PUBLIC SAFETY DEPARTMENT (continued)

Pursuant to the authority of section 749A.3 rules relating to the criminalistics laboratory are adopted.

[Filed December 16, 1971]

### TITLE X

#### DIVISION OF CRIMINAL INVESTIGATION

#### CHAPTER 2

#### CRIMINALISTICS LABORATORY

**2.1 (749A) T.X Laboratory capabilities.** The laboratory shall be capable of and

equipped to perform analysis in the following fields:

1. Physiological Fluids.
2. Hairs and Fibers and Other Trace Evidence.
3. Comparative Microscopy.
4. Wet Chemistry.
5. Instrumental Analysis.
6. Document Examination, Writings, Typewriting.

7. Polygraph.
8. Photography.
9. Latent Prints.
10. Crime Scene Services.
11. Any other capabilities and analysis necessary to completely fulfill the responsibilities of a full service forensic laboratory.

**2.2 (749A) T.X Evidence packaging.** Evidence may be packaged, labeled, sealed, and dated in any manner which is acceptable to the personnel of the laboratory. Such acceptance to be subject, on an individual basis, to examination of each piece of submitted evidence. In the event that the standards of the laboratory are not met, with regard to the integrity of the chain of custody of a piece of evidence, the laboratory will maintain material for use in packaging on the spot.

**2.3 (749A) T.X Evidence submission to the laboratory.** Evidence may be submitted to the laboratory via: Hand carry, certified mail, or registered mail. Evidence submitted to the laboratory by the above noted methods should be labeled as to the laboratory section or type of examination required, e.g. Attention: Firearms Section; Attention: Chemistry Section; Attention: Document Section; Attention: Micro-Analysis; Attention: Photography Section; Attention: Identification Section; Attention: Toxicology Section; Attention: Toolmarks Section; Attention: Drug Section; Attention: Polygraph Section.

**2.4 (749A) T.X Investigational information on submitted evidence.** The laboratory requires, to make its files complete, a copy of the investigational report or a synopsis of the investigation. This document should include all names of suspects and victims, all dates and times involved, type of crime, examinations requested of the laboratory and all names, dates and times involved in the evidentiary chain of this piece of evidence. It is also important to have all pertinent information regarding the submitting authority including names, case number and locations in the event further information or communication is necessary.

**2.5 (749A) T.X Handling, storage and return of evidence.** Acceptance of evidence subject to correct packaging, will be handled on an

individual basis by the members of the staff. A piece of evidence will be received, generally by the person who will examine it, marked and taken into his custody. It will be the policy of the laboratory to return all evidence to the submitting authority for his storage and custody. Evidence will be returned to the submitting authority unless the examiner deems it necessary and reasonable for him to maintain custody.

**2.6 (749A) T.X Distribution of reports.** Reports will be made out in quadruplicate. One copy will remain with the laboratory file, one copy will be mailed to the submitting authority and two copies will be mailed to the county attorney of the respective county. Results of laboratory analysis cannot be made available to any person or organization other than the submitting agency and county attorney without a written court order.

**2.7 (749A) T.X Evidence submission to experts for the defense.** Evidence will not leave the hands of the laboratory except to be entered in court or to be returned to the submitting authority without a proper court order. Evidence which will be presented to experts examining them for the defense will be packaged and transferred in a manner prescribed by the laboratory and such transfer will always take place at the laboratory. It will be the responsibility of the defense witness to maintain his own security, instrumentation, examination facilities, and custodial chain. In the event that a sample of evidence is so small that it is consumed on analysis, the court will be so notified in writing. In the event that a sample of evidence is so small that giving the defense a sample would leave the laboratory with no sample, the court will be informed of this fact in writing.

**2.8 (749A) T.X Report form.** Reports issued by the laboratory will be prepared on a specially designed form. The front of this form gives all the information regarding the case including: names, dates, submitting agency, all case numbers, and type of crime. The front of this report form also includes section 749A.2. The front of this report form also includes the findings of the examining person and the signature of said person. The back of this report includes a receipt form itemizing all the evidence and all the pertinent data involving the laboratory portion of the custo-

dial chain including: names, times, dates, submitting and handling persons. The front and back of this report form may be supplemented with extra sheets for lengthy report bodies or receipt lists.

**2.9 (749A) T.X Receipt forms.** A receipt of evidence form will be filled out upon receiving materials for examination. This receipt form will include spaces for all the pertinent data of the case and should be made out in duplicate. One copy of the receipt form will be returned to the submitting authority. The second copy will remain with the laboratory file documenting the laboratory's activities.

**2.10 (749A) T.X Statistics and records.** The laboratory will compile and maintain records

involving its case work. These statistics will run on a fiscal year basis and will provide data for monthly and year end reports.

**2.11 (749A) T.X Destruction of evidence.** It shall be the policy of the laboratory to destroy evidence whenever such destruction is authorized by the submitting agency. This destruction may be pursued by any method acceptable to the laboratory and such destruction may include preservation by the laboratory for use as standard materials or for use as training materials.

[Effective December 16, 1971]

## REGENTS BOARD

Pursuant to the authority of section 262.9 as amended by Senate File 120 passed by the Sixty-Fourth General Assembly the following rules are adopted.

[Filed August 31, 1971]

### CHAPTER 12

#### TRAFFIC AND PARKING REGULATIONS IOWA STATE UNIVERSITY OF SCIENCE AND TECHNOLOGY

##### 12.1 (262) General traffic regulations.

**12.1 (1)** The motor vehicle laws of the state of Iowa are in effect on campus and other Iowa State University property.

**12.1 (2)** Faculty, staff, students, and visitors on the campus are expected to know and comply with state motor vehicle laws, the traffic ordinances of the city of Ames as in effect on July 13, 1971, and the Iowa State University Traffic and Parking Regulations.

**12.1 (3)** Pedestrians shall be given the right of way at all crosswalks except where traffic control exists.

**12.1 (4)** The maximum speed limit on all campus drives, roads and streets is twenty-five mph unless otherwise posted.

**12.1 (5)** Driving of motor vehicles on campus walks is prohibited, except upon special permission from the physical plant department for emergencies.

**12.1 (6)** All violations of the motor vehicle laws of the state of Iowa will be referred to the municipal court of the city of Ames.

##### 12.2 (262) Two- and three-wheeled motor vehicles.

**12.2 (1)** All two-wheeled motor vehicles (motorcycles, motor scooters, motorbikes or others) shall obey these and all other applicable motor vehicle laws and regulations.

**12.2 (2)** Two-wheeled motor vehicles shall not be driven on campus walks.

**12.2 (3)** Every two-wheeled motor vehicle shall at all times be equipped with a muffler in good working order and in constant operation to prevent excessive or unnecessary noise when driven on campus. Muffler cutout, bypass, or similar device is prohibited.

**12.2 (4)** All items in this section apply equally to three-wheeled motor vehicles.

##### 12.3 (262) Bicycles.

**12.3 (1)** Bicycles shall conform with all requirements of the Ames municipal code, chapter 7.

**12.3 (2)** Wherever bicycles are used on campus walks they shall at all times yield the right of way to pedestrians.

**12.3 (3)** Bicycles shall be parked in bicycle racks provided. They shall not be parked on lawns or on walks.

##### 12.4 (262) General parking regulations.

###### 12.4 (1) Hours for parking.

*a.* Parking of a motor vehicle on campus during the hours of 7 a.m. to 6 p.m.

Mondays through Fridays, and 7 a.m. to 12 noon Saturdays is limited to motor vehicles bearing current official university parking permits except in metered areas.

b. Motor vehicles bearing an identification sticker only or a residence hall or University Married Community parking permit may be parked on campus in staff and permit parking lots during the following times: Monday through Friday 6 p.m. to 7 a.m., Saturdays after 12 noon, all day on Sundays and on official University holidays when the university is closed, unless otherwise designated.

c. Quarter breaks and seasonal holidays for students are not official holidays.

12.4 (2) Parking privileges in university parking lots, on or off campus, are available, upon application, to eligible members of the faculty, staff, student body or visitors, subject to provisions set forth.

12.4 (3) Iowa State University assumes no liability or responsibility for damage to any vehicle parked in any university parking areas.

12.4 (4) The university reserves the right to close temporarily any parking area, on or off campus, for university purposes. Advance notice of closing will be given when practical.

12.4 (5) "No Parking" areas.

a. Crosswalks, building entrances, fire hydrants, and other areas posted "No parking at any time", or marked by a yellow line must be kept clear at all times. Violators will be towed away.

b. Parking of motor vehicles on campus is prohibited in areas other than those that have been established for parking and are marked by signs controlling their use.

12.4 (6) Head-in parking shall be used in all parking lots at all times.

12.4 (7) All vehicles parked on campus shall be parked within stall markers where provided.

12.4 (8) Parking of motor vehicles, motorcycles and small cars in odd-shaped spaces in parking lots is prohibited.

12.4 (9) Loading zone areas are in force twenty-four hours a day. Unauthorized parking in such areas is prohibited. Violators will be towed away.

12.4 (10) Parking in the Memorial Union Parking Ramp and adjacent metered parking

lot is subject to regulations, time, and fees established by the memorial union.

12.5 (262) Registration of motor vehicles.

12.5 (1) Identification stickers.

a. Every student while enrolled at Iowa State University, who owns or has a motor vehicle in his possession during all or part of the academic year must register the vehicle(s) and display upon it (them) a current student identification sticker.

b. A student failing to register such vehicle or to display an identification sticker thereon is subject to a fine as set forth in subrule 12.19 (2) "a".

12.5 (2) Students who have indicated at academic registration that they do not own or have a motor vehicle in their possession and who subsequently acquire one shall secure and affix an identification sticker on the vehicle before operating it on campus.

12.5 (3) Student identification stickers are issued upon registration of the vehicle, without charge.

12.5 (4) Identification stickers are in effect from the date of issue to the following August 31.

12.5 (5) Multiple or proxy registration of a vehicle is prohibited.

12.5 (6) Falsification of information on a registration or a parking permit application is subject to fine as set forth in subrule 12.19 (2) "c".

12.5 (7) The identification sticker is for identification only and is not a permit to park in university parking lots, except when the parking regulations so permit, subrule 12.4 (1) "b".

12.5 (8) Registration of vehicles.

a. A student is held responsible for the official registration of his vehicle(s) which is completed only with the proper display of the identification sticker.

b. Such registration carries with it the responsibility for knowledge of these regulations.

12.5 (9) Upon issuance of a new registration plate, the person in whose name the vehicle is registered at the university, shall report the new registration number to the traffic office within seven days after issuance.



**12.6 (262) Residence hall parking.**

12.6 (1) Residence hall parking lots contain open, metered, and assigned parking areas.

a. Assigned areas are restricted to vehicles bearing the appropriate parking permit.

b. Open areas are available to vehicles bearing a residence hall parking permit.

c. Buchanan Hall parking lot is restricted to Buchanan Hall residents.

12.6 (2) Issuing of residence hall parking permits.

a. Residence hall parking permits are issued to student residents of the various halls at no charge.

b. Residence hall parking permits are issued quarterly at registration.

12.6 (3) The parking permit fee for residence hall employees for parking in residence hall lots shall be at the rate of \$20.00 per year, subrule 12.8 (6) and subrule 12.8 (7).

12.6 (4) Car pool privileges for residence hall employees in residence hall parking lots are available under conditions set forth in rule 12.14 (262).

12.6 (5) Vehicles bearing residence hall parking permits may be parked in on-campus parking lots only during the times indicated in subrule 12.4 (1) "b". They may be parked in metered areas at any time upon payment of the appropriate meter fee.

**12.7 (262) Student parking on campus.**

12.7 (1) Students and graduate assistants (C base staff members) living within the area enclosed by the nonpermit boundary as shown in the university traffic map are not eligible for, and therefore will not be issued, permits for parking in campus parking lots, except for physical disabilities certified by the director of the university student health service and special traffic committee action.

12.7 (2) Students and graduate assistants (C base staff members) living outside the area designated in subrule 12.7 (1) are eligible and may obtain parking permits to park their vehicles only in university parking lots designated for student use.

12.7 (3) The fee for a student and graduate assistant (C base staff members) on-campus parking permit is:

Fall, Winter, and Spring	\$6.00 per quarter
Summer Quarter	\$3.00

12.7 (4) No refunds will be made on quarterly permits after they have been used.

12.7 (5) All students, regardless of location of residence, may park in metered areas upon payment of the appropriate parking meter fee.

12.7 (6) Vehicles bearing a student on-campus parking permit may be parked only in metered areas and campus parking lots designated as "Permit".

12.7 (7) Physically handicapped or medically disabled students may secure the following special parking privileges, upon issuance of a letter by the Director of the Student Health Service, indicating the character, extent and probable duration of the disability and certifying need for special parking.

a. General faculty and staff parking permit, subrule 12.8 (8), at a fee of \$6.00 per quarter and \$3.00 for summer.

b. Reserved parking permit in a specified reserved parking lot, subrule 12.9 (1), 12.9 (2), 12.9 (3) and 12.9 (4), for a fee of \$20.00 per quarter and \$10.00 for summer.

c. Special parking meter permit for parking at any parking meter at any time, for an unlimited period for a fee of \$30.00 per quarter or for summer quarter.

**12.8 (262) Faculty and staff, general parking.**

12.8 (1) Faculty and staff members employed by the university one-half time or more on an A, B, E, or H base are eligible for staff parking permits.

**12.8 (2) Securing parking permits.**

a. Eligible faculty and staff members may secure a staff parking permit only for those vehicles bearing a current Iowa registration plate.

b. Members of the armed services assigned to the university as staff members may secure parking permits for vehicles bearing current out-of-state license plates.

12.8 (3) In each academic year eligible university faculty and staff members who expect to park a motor vehicle on campus or who own a motor vehicle which will be parked on campus by another driver during the hours set forth in subrule 12.4 (1) "a"

shall secure a parking permit and display it on the vehicle as set forth in rule 12.16 (262).

12.8 (4) *Application for parking permits.*

a. Eligible faculty and staff members may secure parking permits upon application to the traffic office, and payment of appropriate fee.

b. Physically handicapped or medically disabled faculty or staff members may secure, upon issuance of a letter by the director of the student health service indicating the character, extent and probable duration of the disability and certifying the need for special parking, either a reserved parking permit, subrule 12.9 (2), or a special parking meter permit for parking at any parking meter, at any time, for an unlimited period for a fee of \$30.00 per quarter or summer quarter.

12.8 (5) The fee for a "general" or Ames laboratory staff parking permit is \$20.00 for the year September 1 to August 31.

12.8 (6) An applicant for a general or Ames laboratory staff parking permit may either remit the annual parking permit fee by check with the application, or authorize a single payroll deduction for the full annual parking permit fee. Payments in currency will not be accepted.

12.8 (7) *Parking permits for less than one year.*

a. General and Ames laboratory staff parking permits are issued on an annual basis only. Refunds may be obtained for unexpired quarters on a quarterly basis, upon written request including remnants of the permit removed from the vehicle. No refunds are made for the summer quarter, rule 12.18 (262).

b. New faculty or staff members starting employment after the beginning of the academic year may secure parking permits at the following fees for the remainder of the year.

Beginning Employment during	General Permit	Reserved Permit
Fall Quarter	\$20.00	\$60.00
Winter Quarter	14.00	40.00
Spring Quarter	8.00	30.00
Summer	3.00	20.00

12.8 (8) Vehicles bearing a general or Ames laboratory staff parking permit may be parked in any parking lot designated as

"Staff" or "Permit". They may not be parked in "Reserved" areas, nor in metered areas without payment of the appropriate meter fee.

12.8 (9) Parking in Ames Laboratory Lot 28AL or area in Lot 26 is restricted to vehicles bearing Ames laboratory parking permits.

12.9 (262) *Faculty-staff reserved parking.*

12.9 (1) Eligible faculty or staff members, as defined in subrule 12.8 (1) may apply for assignments in "Reserved" parking lots or areas.

12.9 (2) *Reserved parking stalls for individuals.*

a. Assignment of reserved parking permits will be by reserved parking lot or areas only, and not by individual parking stall.

b. Individual stall assignment is available only to the President and Vice Presidents of the university and for university-owned vehicles upon approval of request.

12.9 (3) *Use of reserved parking permit.*

a. A vehicle bearing a reserved parking permit shall be parked only in the parking lot or area to which it is assigned.

b. It shall not be parked in any other lot, or in a metered area without payment of the appropriate meter fee.

12.9 (4) Applicants for reserved parking permits will be assigned into reserved parking lots or areas as close to their preferred location as possible, under the following order of precedence and in the order of receipt of application within each category.

a. Medical: certified by the director of the university student health service.

b. Members of the administrative board.

c. University department-owned vehicles.

d. Faculty and staff.

12.9 (5) Parking of an unauthorized vehicle in an assigned reserved parking lot or area will subject the violator to a fine, subrule 12.19 (2) "e", and to having vehicle towed away.

12.9 (6) Car pool privileges, rule 12.14 (262), are available.

12.9 (7) The fee for a "Reserved" parking permit is \$60.00 for the year September 1 to August 31.

12.9 (8) Reserved parking permits are issued on an annual basis only. Refunds may be obtained for unexpired quarters only on a quarterly basis upon written request enclosing remnants of the permit removed from the vehicle. No refunds are made during spring or summer quarters.

12.9 (9) An applicant for a reserved parking permit may either remit the annual parking permit fee by check, with the application, or authorize a single payroll deduction for the full annual parking permit fee. Payment in currency will not be accepted.

12.9 (10) Reserved parking is in effect during the hours set forth in subrule 12.4 (1).

**12.10 (262) Parking publicly owned vehicles.**

12.10 (1) Publicly owned vehicles are subject to all university traffic and parking regulations.

**12.10 (2) Overnight parking.**

a. Publicly owned vehicles, federal or state, shall be parked overnight in the car pool area provided by the university, unless otherwise accommodated.

b. Such vehicles are not required to display a university parking permit, but must be registered by the person responsible for them at the traffic office.

c. These vehicles may be parked in "Staff" or "Permit" parking lots for periods not exceeding three hours. They shall not be parked in "Reserved" areas if they do not display an appropriate reserve permit. If parked in a metered area, the appropriate meter fee shall be paid.

12.10 (3) Publicly owned vehicles that are to be parked in "Staff" or "Permit" lots for more than three hours shall be provided with and display a general staff parking permit, rule 12.8 (262).

**12.10 (4) Reserved parking for university vehicles.**

a. University-owned department vehicles, required in the operation of the department, may apply for a reserved parking stall. Upon approval of the application the assignment will be made free of charge.

b. Vehicles granted a reserved stall must be parked in that stall.

c. If parked elsewhere on campus, they must be parked in a metered area and pay the appropriate meter fee.

**12.11 (262) Visitor parking.**

12.11 (1) Occasional visitors on campus shall park in either metered parking spaces or the memorial union ramp.

12.11 (2) Visitors who have frequent occasion to visit the campus on business may apply for a general parking permit, rule 12.8 (262).

12.11 (3) Visitors enrolled in short courses of more than one week duration are considered as students, rule 12.7 (262).

**12.11 (4) Parking for short course enrollees.**

a. Faculty members who are in charge of short courses and conferences may apply to the university traffic committee for issuance of special parking permits to short-course enrollees in staff or permit parking lots. Assignments to staff or permit lots may be made provided the short course is scheduled at such a time and limited to such a number of enrollees that do not significantly interfere with normal staff parking.

b. Fees for special parking permits for short-course enrollees shall be as designated by the traffic committee.

12.11 (5) Visitors enrolled in short courses or conferences of less than one week duration, who do not have a special parking permit, shall park either in the memorial union ramp or in parking meter areas.

**12.12 (262) Metered parking.**

12.12 (1) Metered parking spaces are provided in most campus parking lots and on some campus streets.

12.12 (2) Metered parking spaces are open to all (faculty, staff, students and visitors) upon payment of the proper fee for the time the space is occupied.

12.12 (3) The meter parking fee is five cents for each 30-minute period.

12.12 (4) The time limits shall be as indicated on the meter.

12.12 (5) Care should be taken to assure that the vehicle being parked is within the

marked area corresponding to the correct meter.

**12.12 (6) Fines for meter violations.**

a. Violation for overtime parking in metered spaces is subject to fine, subrule 12.19 (3).

b. Multiple violation citations may be issued for consecutive time limits exceeded.

**12.12 (7)** An inoperative parking meter shall be reported immediately to the traffic office.

**12.13 (262) Two- or three-wheeled motor vehicle parking.**

**12.13 (1) Spaces for parking.**

a. Two- or three-wheeled motor vehicles (motorcycles, motor scooters, and motor bikes) shall be parked only in areas designated for such parking.

b. Small irregular areas in parking lots shall not be used for such purpose unless so designated.

**12.13 (2)** Parking permits for parking such motor vehicles in areas designated for that purpose may be purchased for a fee of \$2.00 per quarter.

**12.13 (3)** Such motor vehicles may be parked in metered areas upon payment of the meter fee.

**12.14 (262) Car pools.**

**12.14 (1)** Car pools consisting of up to five motor vehicles may apply for a parking permit.

**12.14 (2)** Each vehicle in the car pool shall be registered, and upon registration will be issued a car pool identification sticker, subrule 12.16(1). This sticker is not a parking permit.

**12.14 (3)** The car pool will be issued one transferable parking permit which shall be on display in the car parked on campus, subrule 12.16 (4).

**12.14 (4)** If more than one car of a car pool is to be parked on campus simultaneously, the extra car or cars must be parked in a metered area and appropriate meter fee paid.

**12.14 (5)** Car pool privileges are available to eligible faculty-staff members, subrule 12.8 (1), for either general, rule 12.8 (262) or reserved, rule 12.9 (262) parking permits, and to eligible students, subrule 12.7 (3).

**12.14 (6)** The parking permit fee for a car pool is as follows:

a. Reserved assignment permit - \$60.00 per year. Subject to all regulations in rule 12.9 (262).

b. General parking permit - \$20.00 per year. Subject to all regulations in rule 12.8 (262).

c. Student parking permit - \$6.00 per quarter. Subject to all regulations in rule 12.7 (262).

**12.14 (7)** One member of the car pool shall submit the application for all members of the car pool, and such member shall be responsible for payment of the parking permit fee. He or she must arrange to be reimbursed by the other members.

**12.14 (8)** The fee for replacement of a lost or stolen transferable car pool parking permit shall be in accordance with the schedule set forth in subrule 12.8 (7) "b".

**12.14 (9)** Two- or three-wheeled motor vehicles may not be included in a car pool due to vulnerability of the transferable car pool parking permit to theft.

**12.15 (262) Second car.**

**12.15 (1)** Anyone having two or more cars which may be used alternately for parking on campus should apply for car pool privileges and use car pool procedure for parking on campus.

**12.15 (2)** In the event of an emergency, breakdown, or repair when the car pool procedure is not used, the second car may be parked in a metered area upon paying the appropriate meter fee.

**12.15 (3)** In event of a more than one day breakdown of a car bearing a current parking permit, a temporary equivalent parking permit for a period not to exceed two weeks, may be issued upon approval of the traffic department.

**12.15 (4) Parking permits for second car.**

a. A staff member will not be issued parking permits for more than one car except as in subrule 12.15 (1). However, more than one type of permit may be issued for any one car providing the vehicle registrant is eligible for each type of permit and that appropriate fees are paid.

b. If more than one member of a family is employed by the university, each

member may apply for any parking permit for which he or she is eligible, subrule 12.8 (1).

**12.16 (262) Affixing and removal of permits.**

**12.16 (1)** Student identification stickers, car pool identification stickers, and parking permits, other than car pool permits, shall be firmly affixed on the inside of the rear window at the lower edge on the driver's side of standard body-type vehicles. On pickups or convertibles, and other types without fixed rear windows, they shall be affixed on the lower right edge of the windshield. On station wagons they shall be affixed on the extreme rear of the left side window.

**12.16 (2) Time limit for affixing stickers and permits.**

*a.* Identification stickers and student parking permits shall be properly affixed by midnight of the first day of classes or the day it is obtained, if after classes begin.

*b.* Faculty and staff parking permits shall be properly affixed by midnight of the first day that classes are in session for the academic year, or within seven days after becoming a staff member.

**12.16 (3)** Stickers or parking permits taped or clipped on windows are not considered firmly affixed.

**12.16 (4) Affixing transferable car pool parking permits.**

*a.* Transferable car pool parking permits shall be hung from the interior rearview mirror so that they will be readable from outside.

*b.* On sport cars transferable car pool permits may be locked to the dashboard or steering column in a manner approved by the traffic department.

**12.16 (5) Expired identification stickers and parking permits.**

*a.* Expired identification stickers and parking permits shall be removed in a manner that leaves no trace of the sticker or permit upon the window of the car before a new sticker or permit is affixed.

*b.* Expired stickers and permits shall be similarly removed before a vehicle is parked on campus.

**12.17 (262) Replacement of permits.**

**12.17 (1)** In the event that a motor vehicle is sold or transferred to a new owner or user, the identification stickers or parking permit shall be removed. If so removed and parts thereof recovered and returned to the traffic office, a new corresponding sticker or permit will be issued free of charge for the replacement vehicle.

**12.17 (2)** Upon substantial evidence presented in writing that the original parking permit has been lost, stolen, or destroyed, a duplicate sticker will be issued upon payment of the following appropriate fee:

<i>a.</i> Reserved parking permit	\$5.00
<i>b.</i> General parking permit	2.00
<i>c.</i> Student parking permit	1.00
<i>d.</i> Motorcycle parking permit	1.00
<i>e.</i> Transferable car pool permit	subrule 1.8 (7) "b".
<i>f.</i> Student ID sticker	No charge
<i>g.</i> Residence hall parking permit	No charge

**12.18 (262) Refunds.**

**12.18 (1)** Faculty and staff parking permits issued on an annual base may be refunded for the unexpired quarters on a quarterly basis upon written application enclosing the remnants of the permit removed from the vehicle. No refunds are made for the summer quarter.

**12.18 (2)** The schedule of refunds for "General" or "Reserved" faculty and staff parking permits is as follows:

	General	Reserved
Any time during fall quarter	\$14.00	\$40.00
Any time during winter quarter	8.00	20.00
Any time during spring or summer quarter	None	None

**12.18 (3)** No refunds will be made on parking permits issued on a quarterly basis if the permit has been used.

**12.19 (262) Parking violation penalties.**

**12.19 (1)** The person to whom a parking permit or identification sticker has been issued by the university shall be responsible for all parking violations involving the vehicle bearing the respective sticker.

12.19 (2) Violations during each quarter and the summer sessions of any of the regulations governing the use of motor vehicles on campus will subject the violator to a penalty according to the following schedule:

a. Failure to display identification sticker, subrule 12.5 (1) "b":

First offense	\$10.00
Subsequent offenses	25.00 each

b. Failure to completely remove expired parking or identification sticker, subrule 12.16 (5) 1.00

c. Falsification of registration information first offense 10.00  
 Subrule 12.5(6) subsequent offenses 25.00 each

d. First parking violation	1.00
Second parking violation	3.00
Third parking violation	5.00
Fourth parking violation	10.00
All subsequent violations	10.00 each

e. Penalty for parking in a reserved area when parking restrictions apply, subrule 12.4 (1) "a", vehicle will be towed away. -- \$10.00 plus towing fee.

f. Failure to exhibit the proper car pool parking permit in a vehicle, for the lot in which it is parked, is subject to a penalty set forth in subrule 12.19 (2) "d".

12.19 (3) If a vehicle has accumulated five or more violation tickets and the fines for these violations have not been paid, the vehicle will be towed away and impounded. The vehicle will not be released until the fines and towing and storage charges have been paid.

12.19 (4) *Meter violations.*

a. Violation for overtime parking in a metered parking stall is subject to a fine of \$1.00 for each violation.

b. Multiple tickets may be issued for consecutive time limits exceeded.

c. Courtesy fine depository boxes are available in the vicinity of the metered areas.

d. The meter violations are separate from those indicated in subrule 12.19 (2) "d".

12.19 (5) Parking by fire hydrants, blocking sidewalks, speeding, failure to stop, and other moving traffic violations will be referred to the municipal court of Ames under the Code of Iowa.

12.20 (262) **Institutional appeals.**

12.20 (1) Filing of an appeal or giving notice of intention of appeal shall be made at the traffic office.

12.20(2) An appeal of a parking violation ticket issued under these regulations must be submitted in writing to the traffic appeals board within seven days after issuance of the violation ticket or the right to appeal will be forfeited and the amount of the fine billed.

12.20 (3) A violator may, upon written request, have a personal hearing before the traffic appeals board.

12.20 (4) Reappeal of cases which have been heard and acted upon may be instituted only if new pertinent and substantial evidence is to be introduced.

12.20 (5) Fourth and subsequent appeals of violations of all types shall be subject to an additional \$5.00 service charge if the appeal is denied.

12.20 (6) The traffic appeals board has two sections, one for faculty and staff and another for students. Appeals and correspondence should be addressed to the proper section of the Appeals Board, Traffic Office, Iowa State University Campus, Ames, Iowa 50010.

12.21 (262) **Disciplinary action.**

12.21 (1) Habitual and flagrant violations of these regulations shall subject the violator to disciplinary action.

a. The cases of student violators shall be referred to the dean of students or the student behavior committee.

b. Faculty and staff members are subject to deductions of penalties and fines from their pay checks.

12.22 (262) **District court appeal.**

12.22 (1) Appeal of administrative ruling may be heard de novo by the district court.

12.23 (262) **Suggestions.**

12.23 (1) Written suggestions to promote traffic safety on the campus are welcomed by the traffic committee. Please address such suggestions to the University Traffic Committee, c/o Traffic Office, in accordance with section 262.9, Code of Iowa 1971.

[Effective September 1, 1971]

## REGENTS BOARD (continued)

Pursuant to the authority of section 262.9 of the Code, as amended by Senate File 120 enacted by the Sixty-fourth General Assembly, First Session, the following rules are adopted.

[Filed September 22, 1971]

### CHAPTER 13

#### TRAFFIC AND PARKING REGULATIONS STATE UNIVERSITY OF IOWA

**13.1 (262) Purpose.** The purpose of these rules is to provide for the policing, control, and regulation of parking vehicles on the campus of the state University of Iowa.

**13.2 (262) Definitions.** For the purpose of these rules, the following definitions shall apply unless the context clearly requires otherwise, and all other words shall have meaning according to their common usage.

**13.2 (1) University.** University refers to the state University of Iowa located in Iowa City, Iowa.

**13.2 (2) Student.** A student is any person registered with the university for academic credit who is not employed by the university on a full-time salaried or equivalent basis.

**13.2 (3) Employee.** An employee is any person regularly employed by the university who is not a student.

**13.2 (4) Visitor.** A visitor is any person who owns, operates, or parks a vehicle on the university campus who is not a student or an employee.

**13.2 (5) Vehicle.** A vehicle is any wheeled device used or designed for use as a means of transportation or conveyance of persons or property.

**13.2 (6) Motor vehicle.** A motor vehicle is any vehicle which is self-propelled and has four or more wheels in contact with the ground.

**13.2 (7) Motorcycle.** A motorcycle is any vehicle which is self-propelled and has less than four wheels in contact with the ground.

**13.2 (8) Bicycle.** A bicycle is any two-wheeled vehicle which is not self-propelled and which is designed to be pedaled by the rider.

**13.2 (9) Director.** Director refers to the director of parking at the university or to any other person or persons designated by the president of the university to perform any function or duty of the director hereunder.

**13.3 (262) Registration.** Vehicles shall be registered as follows.

**13.3 (1) Students.** Every motor vehicle and motorcycle which is operated or maintained by a student within Johnson county, Iowa, must be registered with the university and a registration decal must be displayed on the vehicle in the manner prescribed by the director. Any student who operates or maintains a motor vehicle or motorcycle in Johnson county or who owns a vehicle which is so operated or maintained is responsible for the proper registration of such vehicle and the display of the registration decal thereon.

**13.3 (2) Employees.** Motor vehicles and motorcycles owned or operated by employees may be registered with the university if the employee so desires, but registration of such vehicles is not required unless the employee desires parking privileges on the campus. A registration decal may be issued for display on vehicles registered by employees.

**13.3 (3) Procedure.** Applications for registration shall be submitted to the director in the manner he prescribes. No student shall register any vehicle owned or actually maintained by another student. No fee shall be charged for registration without parking privileges.

**13.4 (262) Parking facilities.** The university may set aside and designate certain areas of the campus for the parking of motor vehicles, motorcycles, and bicycles, and the use of any lot, ramp, or part of the parking facilities so established may be restricted to students, employees, or visitors. The director shall cause signs to be erected and maintained clearly identifying those areas of the university campus designated for vehicle parking, and any restrictions applicable thereto shall be conspicuously posted.

**13.4 (1) Parking control devices.** Gates and other devices may be installed and maintained to control access to any parking facility.

13.4 (2) *Parking meters.* Parking meters, toll houses, and other devices may be installed and maintained to regulate the use of any parking facility.

13.4 (3) *Hours of operation.* Reasonable hours shall be established for the normal operation of the parking facilities and a schedule of hours of operation shall be published and available for public inspection in the office of the director.

13.4 (4) *Closing.* The director may temporarily close any parking facility for cleaning, maintenance, or other university purpose, or may temporarily restrict or reassign the use of any facility as may be necessary or convenient. The director shall give advance notice of such temporary closing, restriction, or reassignment by posting or otherwise when practical.

13.4 (5) *Restricted zones.* The director may designate areas of the campus as restricted zones, such as loading zones or service vehicle zones, and such restricted zones shall be conspicuously posted. No parking shall be permitted in such restricted zones except as authorized.

13.4 (6) *No parking.* Vehicle parking on the campus shall be restricted to designated parking facilities, and no parking shall be permitted at any other place on the campus. Vehicles shall not be parked in such a manner as to block or obstruct sidewalks, crosswalks, driveways, roadways or designated parking stalls. No parking is permitted in prohibited zones, such as in the vicinity of fire hydrants or fire lanes, and such zones shall be conspicuously posted or marked by painted curbs or other standard means.

13.4 (7) *Motorcycle parking.* The director may designate areas of the parking facilities for motorcycle parking, and such areas shall be conspicuously posted. Motorcycles shall be parked only in areas designated for motorcycle parking, and no other vehicles shall be parked in such areas.

13.4 (8) *Bicycle parking.* The director may install and maintain bicycle parking racks or designate other facilities for bicycle parking. Bicycles shall be parked only in bicycle racks or other facilities designated for bicycle parking.

13.5 (262) *Parking privileges.* Students and employees may be granted parking privileges on the campus in accordance with these rules and upon such reasonable terms and conditions as may be established by the university.

13.5 (1) *Students.* Students may be granted parking privileges in parking facilities designated for student use. Optional plans and facilities may be offered as determined by the director. Reasonable classifications may be established on the basis of a student's age, class, college or department, course load, proximity of his residence to the campus, physical disability, employment, the availability of facilities, or any other relevant criterion to determine the eligibility of students for parking privileges or any optional plan or facility.

13.5 (2) *Employees.* Employees may be granted parking privileges in parking facilities designated for employee use. Optional plans and facilities may be offered as determined by the director. Reasonable classifications may be established on the basis of an employee's job classification, length of service, place of work or the nature thereof, physical disability, the availability of facilities, or any other relevant criterion to determine the priority of employees for assignment of parking privileges or any optional plan or facility.

13.5 (3) *Visitors.* Visitors may be granted parking privileges in parking facilities designated for visitor parking. Optional plans and facilities may be offered as determined by the director. Reasonable classifications may be established on the basis of the time, duration or purpose of the visit, physical disability, the availability of facilities, or any other relevant criterion to determine the eligibility of visitors for parking privileges or any optional plan or facility.

13.5 (4) *Procedure.* Applications for parking privileges shall be submitted to the director in the manner he prescribes. No student shall apply for parking privileges for any vehicle owned or actually maintained by another student. The director shall determine the eligibility and priority of each applicant for parking privileges within the classifications established in 13.5 (1), 13.5 (2) and 13.5 (3) and shall make all parking assignments. A parking decal or other means of identification may be issued to each applicant who is granted parking privileges, and such decal or other identification must be displayed on the



vehicle in the manner prescribed by the director. Parking privileges shall not be granted to a student and to an employee for the same vehicle, and a student parking decal and an employee parking decal shall not be displayed on the same vehicle.

**13.5 (5) *Parking fees.*** The university may assess and collect from students, employees, and visitors reasonable fees or charges for parking privileges and the use of parking facilities. The amount of such fees and charges shall be established by the university and approved by the state board of regents, and a schedule of all parking fees and charges shall be published and available for inspection during normal business hours in the office of the director and in the office of the state board of regents. Parking fees and charges may be assessed and collected on an annual, semester, monthly, or hourly basis. Parking fees and charges may be added to student tuition bills and may by agreement be withheld from the salaries or wages of employees by payroll deduction. Parking fees and charges may be collected by means of parking meters or toll houses. Use of any parking facility constitutes an implied agreement to pay the prescribed fee or charge therefor.

**13.5 (6) *University business.*** Special parking privileges may be granted for vehicles being used on official university business on the conditions and in the manner prescribed by the director.

**13.5 (7) *Responsibility.*** Any person who owns or operates a vehicle which is parked on the campus or in whose name the vehicle is registered or parking privileges have been granted is responsible for the proper parking of the vehicle at all times when it is on the campus and for all parking violations involving the vehicle.

**13.5 (8) *Liability.*** Parking privileges granted hereunder constitute a license to use university parking facilities and do not constitute a lease of such facilities or a bailment of the vehicle by the university. Use of university parking facilities is at the owner's or applicant's risk, and the university shall not be liable or responsible for loss of or damage to any vehicle parked on the campus.

**13.5 (9) *Revocation.*** Parking privileges on the campus may be revoked by the university for good cause at any time upon five days' written notice and refund of any

advance payment of parking fees or charges on a pro rata basis for the revoked period.

**13.6 (262) *Violations.*** Sanctions may be imposed for violation of registration and parking rules as follows.

**13.6 (1) *Notice of violations.*** The university shall give written notice of all parking violations. Such notice may be given by means of a notice of parking violation placed conspicuously on the offending vehicle, and such notice shall constitute constructive notice of the violation to the owner and operator of the vehicle and to any person in whose name the vehicle is registered or parking privileges have been granted.

**13.6 (2) *Fines.*** Reasonable monetary fines may be imposed upon students and employees for violation of vehicle registration or parking rules. The amount of such fines, not to exceed ten dollars for each offense, shall be established by the university and approved by the state board of regents. A schedule of all fines for improper registration and parking shall be published and available for public inspection during normal business hours in the office of the director and in the office of the state board of regents. Registration and parking fines may be assessed against the owner or operator of the vehicle involved in each violation or against any person in whose name the vehicle is registered or parking privileges have been granted and charged to their university account. Registration and parking fines may be added to student tuition bills or may be deducted from student deposits or from the salaries or wages of employees or from other funds in the possession of the university.

**13.6 (3) *Impoundment.*** Any vehicle parked on the campus in violation of parking rules may be impounded and removed. The university shall give written notice of impoundment to the owner of the vehicle or to the person in whose name the vehicle is registered or parking privileges have been granted. A reasonable fee may be charged for the cost of impoundment and storage, which fee must be paid prior to the release of the vehicle. Impounded vehicles which are not claimed within sixty days will be deemed abandoned property and may be sold under procedures set forth in chapter 579, Code of Iowa 1971, and the proceeds of the sale will be applied to the payment of the costs of

impoundment, storage, and sale. The balance, if any, shall be sent to the owner.

**13.6 (4) Appeals.** Students and employees may appeal any registration or parking violation. Appeals shall be submitted to the director in writing within ten days after notice of the violation was given and shall state succinctly the grounds of the appeal. The director may allow additional time for appeal for good cause shown. Appeals shall be considered by an impartial committee to be chosen in a manner approved by the president of the university. The president may designate more than one committee to hear such appeals. On request, the appellant shall be afforded the opportunity for an administrative hearing by the appeal committee and shall be given reasonable notice of the time and place of the hearing. The decision of the appeal committee may be reviewed de novo by the district court as provided by law.

**13.7 (262) Effect of rules.** These rules constitute a condition of registration as a student at the university and a condition of employment as an employee of the university. Regis-

tration as a student or acceptance of employment constitutes an acceptance of these rules and an agreement to pay all prescribed fees and monetary fines imposed in accordance with these rules.

**13.8 (262) Administration of rules.** The president of the university shall be responsible for the proper administration of these rules. He is authorized to establish procedures not inconsistent with these rules as may be reasonably necessary and convenient for the effective administration of his duties hereunder, and any procedure so established shall be published and available for public inspection during normal business hours in the office of the director and in the office of the state board of regents. The president may delegate his authority under these rules to the director or to any other person designated by the president to perform any function or duty hereunder.

[Effective September 22, 1971]

## REGENTS BOARD (continued)

Pursuant to the authority of section 262.9 of the Code, as amended by Senate File 120 enacted by the Sixty-fourth General Assembly, First Session, the following rules are adopted.

[Filed August 31, 1971]

### CHAPTER 14 TRAFFIC AND PARKING REGULATIONS UNIVERSITY OF NORTHERN IOWA

**14.1 (262) Purpose.** The purpose of these rules is to provide for the policing, control, and regulation of parking of vehicles on the campus of the University of Northern Iowa.

**14.2 (262) Definitions.** For the purpose of these rules, the following definitions shall apply unless the context clearly requires otherwise, and all other words shall have meaning according to their common usage.

**14.2 (1) University.** University refers to the University of Northern Iowa, located in Cedar Falls, Iowa.

**14.2 (2) Student.** A student is any person registered with the university for academic credit or for short courses or workshops for more than a one week period.

**14.2 (3) Employee.** An employee is any person regularly employed by the university who is not a student.

**14.2 (4) Visitor.** A visitor is any person who owns, operates, or parks a vehicle on the university campus who is not a student or an employee.

**14.2 (5) Vehicle.** A vehicle is any wheeled device used or designed for use as a means of transportation or conveyance of persons or property.

**14.2 (6) Motor vehicle.** A motor vehicle is any vehicle which is self-propelled and has four or more wheels in contact with the ground.

**14.2 (7) Motorcycle.** A motorcycle is any vehicle which is self-propelled and has less than four wheels in contact with the ground.

**14.2 (8) Bicycle.** A bicycle is any two-wheeled vehicle which is not self-propelled and which is designed to be pedaled by the rider.

**14.2 (9) Supervisor.** Supervisor refers to the supervisor of security at the university or to any other person or persons designated by the president of the university to perform any function or duty of the supervisor hereunder.

**14.2 (10) Committee.** Committee refers to the traffic and safety committee at the university.

**14.3 (262) Registration.** Vehicles shall be registered as follows.

**14.3 (1) Students.** Every motor vehicle and motorcycle which is operated or maintained by a student within Black Hawk county, Iowa, which may, at any time, use university parking facilities, must be registered with the university and a registration permit be displayed on the vehicle in the manner prescribed by the supervisor. Any student who operates or maintains a motor vehicle or motorcycle in Black Hawk county or who owns a vehicle which is so operated or maintained and which may, at any time, use university parking facilities, is responsible for the proper registration of such vehicle and the display of the registration permit thereon.

**14.3 (2) Employees.** Motor vehicles and motorcycles owned or operated by employees may be registered with the university if the employee so desires, but registration of such vehicles is not required unless the employee desires parking privileges on the campus. A registration permit may be issued for display on vehicles registered by employees.

**14.3 (3) Procedure.** Applications for registration shall be submitted to the supervisor in the manner he prescribes. No student shall register any vehicle owned or actually maintained by another student.

**14.4 (262) Parking facilities.** The university may set aside and designate certain areas of the campus for the parking of motor vehicles, motorcycles, and bicycles, and the use of any lot, ramp, or part of the parking facilities so established may be restricted to students, employees, or visitors. The supervisor shall cause signs to be erected and maintained clearly identifying those areas of the university campus designated for vehicle parking,

and any restrictions applicable thereto shall be conspicuously posted.

**14.4 (1) Parking control devices.** Gates and other devices may be installed and maintained to control access to any parking facility.

**14.4 (2) Parking meters.** Parking meters, toll houses, and other devices may be installed and maintained to regulate the use of any parking facility.

**14.4 (3) Hours of operation.** Reasonable hours shall be established for the normal operation of the parking facilities and a schedule of hours of operation shall be published and available for public inspection in the office of the supervisor.

**14.4 (4) Closing.** The supervisor may temporarily close any parking facility for cleaning, maintenance, or other university purpose, or may temporarily restrict or reassign the use of any facility as may be necessary or convenient. The supervisor shall give advance notice of such temporary closing, restriction, or reassignment by posting or otherwise when practical.

**14.4 (5) Restricted zones.** The supervisor and committee may designate areas of the campus as restricted zones, such as loading zones or service vehicle zones, and such restricted zones shall be conspicuously posted. No parking shall be permitted in such restricted zones except as authorized.

**14.4 (6) No parking.** Vehicle parking on the campus shall be restricted to designated parking facilities, and no parking shall be permitted at any other place on the campus. Vehicles shall not be parked in such a manner as to block or obstruct sidewalks, crosswalks, driveways, roadways or designated parking stalls. No parking is permitted in prohibited zones, such as in the vicinity of fire hydrants or fire lanes, and such zones shall be conspicuously posted or marked by painted curbs or other standard means.

**14.4 (7) Motorcycle parking.** The supervisor and committee may designate areas of the parking facilities for motorcycle parking, and such areas shall be conspicuously posted. Motorcycles shall be parked only in areas designated for motorcycle parking, and no other vehicles shall be parked in such areas.

**14.4 (8) Bicycle parking.** The supervisor and committee may install and maintain bicycle parking racks or designate other facilities

for bicycle parking. Bicycles shall be parked only in bicycle racks or other facilities designated for bicycle parking.

**14.5 (262) Parking privileges.** Students and employees may be granted parking privileges on the campus in accordance with these rules and upon such reasonable terms and conditions as may be established by the university.

**14.5 (1) Students.** Students may be granted parking privileges in parking facilities designated for student use. Optional plans and facilities may be offered as determined by the supervisor and committee. Reasonable classifications may be established on the basis of a student's age, class, college or department, course load, proximity of his residence to the campus, physical disability, employment, the availability of facilities, or any other relevant criterion to determine the eligibility of students for parking privileges or any optional plan or facility.

**14.5 (2) Employees.** Employees may be granted parking privileges in parking facilities designated for employee use. Optional plans and facilities may be offered as determined by the supervisor and committee. Reasonable classifications may be established on the basis of an employee's job classification, length of service, place of work or the nature thereof, physical disability, the availability of facilities, or any other relevant criterion to determine the priority of employees for assignment of parking privileges or any optional plan or facility.

**14.5 (3) Visitors.** Visitors may be granted parking privileges in parking facilities designated for visitor parking. Optional plans and facilities may be offered as determined by the supervisor and committee. Reasonable classifications may be established on the basis of the time, duration or purpose of the visit, physical disability, the availability of facilities, or any other relevant criterion to determine the eligibility of visitors for parking privileges or any optional plan or facility.

**14.5 (4) Procedure.** Applications for parking privileges shall be submitted to the supervisor in the manner he prescribes. No student shall apply for parking privileges for any vehicle owned or actually maintained by another student. The supervisor shall determine the eligibility and priority of each applicant for parking privileges and shall make

all parking assignments. A parking permit or other means of identification may be issued to each applicant who is granted parking privileges, and such permit or other identification must be displayed on the vehicle in the manner prescribed by the supervisor.

**14.5 (5) Parking fees.** The university may assess and collect from students, employees, and visitors reasonable fees or charges for parking privileges and the use of parking facilities in an amount not to exceed one hundred dollars per calendar year. The amount of such fees and charges shall be established by the university and approved by the state board of regents, and a schedule of all parking fees and charges shall be published and available for inspection during normal business hours in the office of the supervisor and in the office of the state board of regents. Parking fees and charges may be assessed and collected on an annual, semester, monthly, or hourly basis. Parking fees and charges may be added to student tuition bills and may by agreement be withheld from the salaries or wages of employees by payroll deduction. Parking fees and charges may be collected by means of parking meters or toll houses. Use of any parking facility constitutes an implied agreement to pay the prescribed fee or charge therefor.

**14.5 (6) University business.** Special parking privileges may be granted for vehicles being used on official university business on the conditions and in the manner prescribed by the supervisor and committee.

**14.5 (7) Responsibility.** Any person who owns or operates a vehicle which is parked on the campus or in whose name the vehicle is registered or parking privileges have been granted is responsible for the proper parking of the vehicle at all times when it is on the campus and for all parking violations involving the vehicle.

**14.5 (8) Liability.** Parking privileges granted hereunder constitute a license to use university parking facilities and do not constitute a lease of such facilities or a bailment of the vehicle by the university. Use of the university parking facilities is at the owner's or applicant's risk, and the university shall not be liable or responsible for loss of or damage to any vehicle parked on the campus.

**14.5 (9) Revocation.** Parking privileges on the campus may be revoked by the university for good cause at any time upon

five days' written notice and refund of any advance payment of parking fees or charges on a pro rata basis for the revoked period.

**14.6 (262) Violations.** Sanctions may be imposed for violation of registration and parking rules as follows:

**14.6 (1) Notice of violations.** The university shall give written notice of all parking or registration violations. Such notice may be given by means of a notice of parking violation placed conspicuously on the offending vehicle, and such notice shall constitute constructive notice of the violation to the owner and operator of the vehicle and to any person in whose name the vehicle is registered or parking privileges have been granted.

**14.6 (2) Fines.** Reasonable monetary fines may be imposed upon students and employees for violation of vehicle registration or parking rules. The amount of such fines, not to exceed twenty dollars for each offense, shall be established by the university and approved by the state board of regents. A schedule of all fines for improper registration and parking shall be published and available for public inspection during normal business hours in the office of the supervisor and in the office of the state board of regents. Registration and parking fines may be assessed against the owner or operator of the vehicle involved in each violation or against any person in whose name the vehicle is registered or parking privileges have been granted and charged to their university account. Registration and parking fines may be added to student tuition bills or may be deducted from student deposits or from the salaries or wages of employees or from other funds in the possession of the university.

**14.6 (3) Impoundment.** Any vehicle parked on the campus in violation of parking or registration rules may be impounded and removed. The university shall give written notice of impoundment to the owner of the vehicle or to the person in whose name the vehicle is registered or parking privileges have been granted. A reasonable fee may be charged for the cost of impoundment and storage, which fee must be paid prior to the release of the vehicle. Impounded vehicles which are not claimed within sixty days will be deemed abandoned property and may be sold, under procedures set forth in chapter

579, Code of Iowa, 1971, and the proceeds of the sale will be applied to the payment of the costs of impoundment, storage, and sale. The balance, if any, shall be sent to the owner.

**14.6 (4) Hearing.** Students and employees may have a hearing on any registration or parking violation. A hearing request shall be submitted to the supervisor in writing within seven days after notice of the violation was given and shall state the grounds of the hearing request. The supervisor may allow additional time within which to request a hearing for good cause shown. Hearings shall be conducted by an impartial committee to be chosen in a manner approved by the president of the university. The person requesting said hearing shall be afforded the opportunity for an administrative hearing by the hearing committee and shall be given reasonable notice of the time and place of the hearing. The decision of the hearing committee shall be final and may be reviewed de novo by the district court as provided by law.

**14.7 (262) Effect of rules.** These rules constitute a condition of registration as a student at the university and a condition of employment as an employee of the university. Registration as a student or acceptance of employment constitutes an acceptance of these rules and an agreement to pay all prescribed fees and monetary fines imposed in accordance with these rules.

**14.8 (262) Administration of rules.** The president of the university shall be responsible for the proper administration of these rules. He is authorized to establish procedures not inconsistent with these rules as may be reasonably necessary and convenient for the effective administration of his duties hereunder, and any procedure so established shall be published and available for public inspection during normal business hours in the office of the supervisor and in the office of the state board of regents. The president may delegate his authority under these rules to the supervisor or to any other person designated by the president to perform any function or duty hereunder.

These rules are intended to implement chapter 262 of the Code.

[Effective August 31, 1971]

## SOCIAL SERVICES DEPARTMENT

Social Services Rules are being grouped under the following titles.

Title I  
Medical Assistance  
Chapters 1 – 12, inclusive

Title II  
Old Age Assistance  
Chapters 13 – 22, inclusive

Title III  
Aid to the Blind  
Chapters 23 – 32, inclusive

Title IV  
Aid to the Disabled  
Chapters 33 – 42, inclusive

Title V  
Aid to Dependent Children  
Chapters 43 – 52, inclusive

Title VI  
General Public Assistance Provisions  
Chapters 53 – 64, inclusive  
Chapter 53 - Fair Hearings and Appeals  
Chapter 54 - Nursing and Custodial Care  
Chapter 55 - Adult Boarding and Foster Care  
Chapter 56 - Funerals  
Chapter 57 - Fraud

## SOCIAL SERVICES DEPARTMENT

(continued)

Pursuant to the authority of section 241.4 of the Code the rules appearing in the 1971 IDR pages 926 through 928 relating to aid to the blind are rescinded and the following adopted in lieu thereof.

[Filed December 27, 1971]

### TITLE III AID TO THE BLIND

#### CHAPTER 23 APPLICATION FOR AID

##### 23.1 (241) Definitions.

23.1 (1) *Department*. Whenever the department is used in this title it shall mean the Iowa department of social services.

23.1 (2) *County*. Whenever the county is used in this title it shall mean the county department of social services.

23.2 (241) *Application*. The application for aid to the blind shall be submitted on Public Assistance Application, Form PA-2207-0. When the applicant has a guardian, the guardian shall sign the application.

23.3 (241) *Date of application*. The date of application is the date the applicant, his

guardian, or persons acting on his behalf communicate to the agency a request for assistance.

23.4 (241) *Procedure with application*. Unless both eyes are missing blindness must be established through an examination by a physician or an optometrist of the applicant's choice. The report of the examination shall describe the current visual condition of the applicant based on an examination made after, or within six months prior to the date of application. The cost of the examination will be paid by the department. When the application form has not been received by the county within ten days from the date of application, the county shall contact the applicant to determine the cause of delay, and inform him that the application will be denied if it is not received within another ten days.

23.5 (241) *Degree of blindness*. When upon review of the examiner's report the state ophthalmologist finds that the applicant's vision is limited to not more than 20/200 central visual acuity in the better eye with corrective glasses, or a field defect in which the peripheral field has contracted to an extent that the widest diameter of this visual field subtends to an angular distance no greater than twenty degrees the applicant meets the visual requirements for aid to the blind.

23.6 (241) **Time limit for decision.** A decision with respect to the applicant's eligibility and the amount of assistance to which he is entitled shall be made by the county within fifteen days after the date of application and the applicant shall be promptly notified of such decision in writing, except when delayed by the failure of the applicant to supply information or delay in receiving the examiner's report with respect to degree of blindness.

[Effective December 27, 1971]

These rules having remained with the Attorney General for more than the statutory thirty days (17A.8) are being filed without his approval.

CHAPTER 24  
GRANTING ASSISTANCE

24.1 (241) **Need.** Need for assistance is determined by comparing the income and resources of the applicant or recipient with the standards set forth herein.

24.1 (1) **Resources.** An applicant may have the following resources and be eligible for aid to the blind.

a. A homestead without regard to its value. A mobile home or similar shelter shall be considered as a homestead when it is occupied by the recipient. The value of any other real estate shall be considered with personal property.

b. Household goods and heirlooms.  
c. An automobile necessary for transportation.

d. Personal property, including cash surrender value of life insurance, not exceeding 1500 dollars for a single person or 2000 dollars for a married couple not separated or estranged. No additional exemptions are allowed for dependents.

24.1 (2) **Definition of eligible group.** The eligible group consists of the recipient, his spouse and dependent children. Their needs may be included in the grant, unless one or more may be eligible for a grant of assistance in his own right.

24.1 (3) The schedule of living costs is used to determine the basic needs of the eligible group. It is divided into sections I and II. Section I will be used when the basic needs of the entire eligible group are included in one grant of assistance, or when only the aid to the blind recipient is included in the blind grant. Section II will be used when members of the eligible group receive two or more grants of assistance and the aid to the blind grant includes the needs of a person besides the recipient. The schedule of living costs represents 100 percent of basic needs. When funds in the aid to the blind program are insufficient to provide assistance on a 100 percent basis the allowances in the schedule shall be reduced proportionately and equitably.

I. Eligible group in one grant		II. Members of eligible group receive two or more grants of assistance							
(a)	(b)	1	2	3	4	5	6	7	8
1	122								
2	186	93							
3	246	82	164						
4	300	75	150	225					
5	345	69	138	207	276				
6	384	64	128	192	256	320			
7	434	62	124	186	248	310	372		
8	488	61	122	183	244	305	366	427	
9	522	58	116	174	232	290	348	406	464

Beyond a nine member eligible group add \$58 for each additional person.

a. In addition to his basic needs, an allowance to cover the special need of each blind person shall be included in determining the total requirements, except for persons receiving a nursing or custodial care allowance based on the evaluation schedule for public assistance.

b. When more than one grant of public assistance is received by the recipient and his spouse and dependent children living together, the computation of the assistance grants in other programs shall be computed according to the rules governing those programs, but in no case shall the aid to the blind grant be computed on a base of less than provided for in section 241.3 of the Code.

c. When the aid to the blind recipient requires the services of a responsible relative who is needy and has sacrificed employment to provide such service, the needs of the relative may be included in the grant on the same basis as a spouse.

d. The needs of a person who would ordinarily be a member of the eligible group and is eligible for assistance in his own right, shall not be included in the aid to the blind grant.

e. When the needs of a dependent may be included in either the aid to the blind assistance grant or in another grant of assistance being received in the household the choice shall be in such manner as to benefit the individual or family.

**24.1 (4) Special needs.** On the basis of demonstrated need the following special needs shall be allowed, in addition to the basic needs.

a. *Property repair.* When the department agrees that expensive repairs or improvements are necessary to make or keep the recipient's homestead habitable an allowance shall be included in the grant.

b. *Tree removal.* When a legal notice has been served on a recipient property owner requiring the removal of dead or dangerous trees from his homestead an allowance shall be included in the grant to cover the lowest established cost.

c. *Special tax assessment.* An allowance in an amount sufficient to cover the annual payment due on an assessment on a homestead shall be included in one month's grant.

d. *School expenses.* Any specific charge for a child's education made by the school or in accordance with school requirements in connection with a course in the curriculum shall be allowed. This does not include ordinary expenses for school supplies.

e. *Child care.* When a need is established for child care by reason of a parent's health, inadequacy or absence from the home other than for reason of employment, an allowance for child care not to exceed the going rate in the community shall be made. If care is provided outside the child's home the facility providing the care must have a current license.

f. *Training expense.* When a recipient or a member of the eligible group is participating in an individual education or training program approved by the department and expenses cannot be met otherwise, an allowance shall be included in the grant.

g. *Restaurant meals.* An allowance shall be included in the grant when it has been established that the recipient eats at least one half of his meals in a restaurant.

h. *Personal services.* An allowance for personal services may be included in the assistance grant only when the physical or mental condition of the recipient prevents him from performing those tasks necessary to the maintenance of an independent living arrangement. No allowance may be made for those services only indirectly related to the individual's welfare, such as yard work, snow shoveling, errands and seasonal or irregular house cleaning. An allowance for personal services shall not be included in the grant of a recipient living in a congregate living arrangement when the monthly charge for residence includes such service. When such service is required by the recipient and is provided by a person who is not an employee of the landlord, an allowance may be included in the grant.

#### **24.2 (241) Income.**

**24.2 (1)** All assured income, whether in cash or in kind shall be considered in establishing that need exists and the amount of the assistance grant, as established in 24.1 (3), except the following income of the recipient which shall be exempted.

a. Five dollars of any income.



b. The first 85 dollars per month of earned income plus one half the earned income in excess of 85 dollars per month.

c. Income as necessary for a period not to exceed twelve months, for an individual who has an approved plan for achieving self-support.

d. Loans and grants, such as scholarships, obtained and used under conditions that preclude their use for current living costs.

e. Income of less than one dollar per month from any source.

24.2 (2) Intermittent income which may exceed the eligible group's needs for a calendar month may be prorated or result in a cancellation of the assistance grant, as elected by the recipient.

24.2 (3) *Diversion of income.* The total requirements of the dependents of the aid to

the blind recipient, who are not eligible for another type of public assistance, are considered a part of his requirements. All income, except that which may be disregarded, shall be considered available to meet such requirements. The recipient may elect to direct his income to support his dependents who are eligible to receive aid to dependent children.

24.2 (4) *Period of adjustment.* When the aid to the blind recipient no longer meets the visual requirements and need exists, aid to the blind shall be continued for a period not to exceed three assistance warrants after it has been determined the recipient no longer meets visual requirements.

[Effective December 27, 1971.]

These rules having remained with the Attorney General for more than the statutory thirty days (17A.8) are being filed without his approval.

## SOCIAL SERVICES DEPARTMENT (continued)

Pursuant to the authority of section 217.6 of the Code, the following rules are adopted.

[Filed December 27, 1971]

### TITLE VI

#### GENERAL PUBLIC ASSISTANCE PROVISIONS

#### CHAPTER 53

#### FAIR HEARINGS AND APPEALS

##### 53.1 (217) Definitions.

53.1 (1) *Department.* Whenever the department is used in this title, it shall mean the Iowa department of social services.

53.1 (2) *County.* Whenever the county is used in this title, it shall mean the county department of social services.

53.1 (3) *Agency.* Agency as used in these rules means both the Iowa department of social services and the county department of social services.

53.1 (4) *Claimant.* Claimant as used in these rules denotes the applicant or recipient who claims or asserts a right on demand; also referred to as the appellant.

53.1 (5) *Appellant.* Appellant as used in these rules denotes the applicant or recipient who claims or asserts a right or demand or the party who takes an appeal from a fair hearing to an Iowa district court.

53.1 (6) *Appeal.* Appeal as used in these rules denotes a review of a decision made by the county, at the request of a recipient or applicant.

53.1 (7) *Fair hearing.* Fair hearing as used in these rules denotes a hearing in which authority is fairly exercised consistently where the fundamental principles of justice are embraced within the conception of due process of law.

53.1 (8) *Joint or group hearings.* Joint or group hearings as used in these rules denotes an opportunity for several applicants or recipients to present their case jointly when all have the same complaint against agency policy.

53.1 (9) *Issues of fact or judgment.* Issues of fact or judgment denotes issues of the application of state law or policy to the facts of the individual applicant or recipient's personal situation.

53.1 (10) *Presumption.* Presumption as used in these rules denotes an inference drawn

from a particular fact or facts, or from particular evidence, which stands until the truth of such inference is disposed.

**53.1 (11) Due process.** Due process as used in these rules denotes the right of a person affected by an agency decision to present his complaint at a fair hearing and to be heard, by testimony or otherwise, and to have the right of controverting, by proof, every material fact which bears on the question of the individual's rights in the matter involved, without undue delay or hinderance.

**53.2 (217) Informing individuals of their rights.**

**53.2 (1) Written and oral notification.** It shall be the duty of all counties to advise each applicant and recipient of his right to appeal any adverse decision affecting his status.

Written notification of the right to and procedure for requesting a fair hearing before the department, of the right to be represented by others at the hearing, and of any provision for payment of legal fees by the department must be given at the time of application and at the time of any agency action affecting the claim for assistance.

Written notification shall be given on the application form and pamphlets prepared by the agency for applicants and recipients. Explanation shall be included in the agency pamphlet explaining the various provisions of the program. Oral explanation should also be given explaining the policy on hearings during the application process and at the time of any contemplated action by the agency when the need for such discussion is indicated. Applicants and recipients not familiar with English shall be communicated their right by providing a translation into the language understood by them in the form of a written pamphlet or orally. In all cases when an applicant is illiterate or semiliterate, he shall, in addition to receiving the written pamphlet on his rights, be advised of each right to the satisfaction of his understanding.

**53.2 (2) Advising applicant or recipient.** The applicant or recipient shall be advised that he may be represented at fair hearings by others, including legal counsel, law students, relatives, friends, or any other spokesman of his choice or that he may represent himself. The agency will advise the applicant or recipient of any legal services

which may be available to him and assist him in securing such services if he so desires.

**53.3 (217) Opportunity for a fair hearing.** All aggrieved applicants and recipients are entitled to request and receive a fair hearing before the department. Applicants and recipients are also entitled to a prompt response when it becomes known to the agency, either by written or oral means, of their desire for the opportunity to have their case brought before the department for a fair hearing.

The applicant or recipient shall be first given the opportunity to review the problem with the agency staff, if he so desires, at an informal discussion. This procedure shall not be used to delay, avoid, or preclude a fair hearing, but is designed to assist the applicant or recipient in the preparation of his fair hearing.

The right of appeal shall not be limited or interfered with in any way, even though the individual's complaint may be without basis in fact, or due to his own misinterpretation of law, agency policy or methods or implementing policy. Facts of harassing, threats of prosecution, denial of pertinent information needed by the claimant in preparing his appeal, as a result of the claimant's communicated desire to proceed with the appeal, shall be taken into consideration by the hearings officer, in reaching a final decision. Such evidence will raise a presumption of denial of due process, and will be referred to the proper official of the department for appropriate administrative action.

**53.3 (1) Filing the appeal.** When an applicant for or recipient of assistance or service, or person acting responsibly for him, expresses orally or in writing to the county or the department, his dissatisfaction with any decision, action or failure to act with reference to his case, such department shall determine from the nature of the complaint whether the individual wishes to appeal and receive a hearing before a representative of the department. The county shall encourage the claimant to complete such complaint in writing, on the form provided, and shall provide any instructions or assistance he may require in completing the form. Provided that when the claimant for any reason is unwilling to complete or sign forms or letters, nothing in this rule shall be construed to preclude his right to perfect his appeal. So long as the desire for a fair hearing has been communicated to the

department by the claimant or his representative, it shall be considered as an appeal.

When a request for a fair hearing is made within thirty days after notification, a hearing shall be held. When the request for a hearing is made more than thirty days after notification, the commissioner shall determine whether a hearing shall be held.

**53.3 (2) Procedural considerations.** Upon receipt of the notice of appeal, the appeals and hearing officer in the department shall:

a. Register the appeal.

b. Send an acknowledgement of receipt of the appeal to the applicant or recipient, or his representative or both, advising that the hearing will be scheduled within a reasonable time and that he may anticipate notification as to the date, time, place and other pertinent information with due regard for the convenience of the claimant.

If the claimant is residing outside the state, he will also be advised that he may return to Iowa and arrangements will be made for the hearing in the county to which he returns or he may designate a person to represent him in the Iowa county responsible for the case and in which he resided before leaving the state.

A copy of the acknowledgement of receipt of appeal will also be sent to the county, including copies of any correspondence with a claimant who is outside the state, regarding arrangements for the hearing.

c. Establish the date, time and place of the hearing, with due regard for the convenience of the claimant.

d. Send a letter to the claimant, advising him of the date, time and place of the hearing, of the manner in which the hearing will be conducted, that he may present any evidence orally or documented in any way he may desire, bring witnesses of his choice and be represented by others, including an attorney.

A copy of this letter will be forwarded to the chairman of the county board of social welfare, the county director, the area office and any other individual when circumstances peculiar to the case indicate that the notification may be desirable.

**53.3 (3) Joint or group hearings.** When more than one individual protests the same agency policy, joint or group hearings may be allowed. Recipients who request a group hear-

ing shall be given one. If there is disagreement between the agency and the claimant as to whether his complaint may be included in group hearings, the hearing officer shall make the decision. The hearing officer may limit the discussion to the sole issue under appeal, hence, when a claimant's request for a fair hearing involves issues in addition to one serving as a basis for the group hearing, his appeal shall be severed from the group and handled separately. A claimant scheduled for a group hearing may withdraw and request an individual hearing. In a group hearing, individual claimants must be afforded the right to make individual presentations and to be represented by persons of their own choosing.

**53.3 (4) Conduct of hearings.** The hearing will be conducted by an appeals and hearing officer designated by the commissioner of social services. It shall be an informal rather than a formal judicial procedure designed to serve the best interests of the applicant or recipient. The claimant shall have the right to examine any material introduced as evidence during the hearing. He shall also have the right to introduce on his own behalf any evidence on points at issue he believes necessary and to challenge and cross-examine any statements made by others, and to present evidence in rebuttal. A verbatim record shall be kept of the evidence presented.

**53.3 (5) Dismissal and abandonment of hearing.** A request for a hearing may be dismissed by the agency only when the claimant or his representative submits in writing a request to withdraw his appeal or when the claimant abandons his right of hearing. When neither the claimant nor his representative appears at the time and place agreed upon for the hearing, and within a reasonable time after the mailing of an inquiry, or personal contact by the agency, as to whether he wishes any further action on his request for a hearing and no reply is received, the hearing request shall be considered abandoned.

**53.3 (6) Responsibility of the county department.** Upon the receipt by the county of the letter setting the date, time, and place of the hearing, the county shall contact the claimant to remind him of the date, time and place of the hearing and determine whether the arrangements are satisfactory. Assistance shall also be offered in assembling any information, documents or other evidence which

the claimant may wish to present at the hearing.

**53.4 (217) Publication and distribution of hearing procedures.** The publication and wide distribution of hearing procedures in the form of rules and regulations or a clearly stated pamphlet shall be made available to all applicants, recipients, claimants, appellants, and other interested groups and individuals.

**53.5 (217) Advance notice of intent to terminate, reduce or suspend assistance.** Whenever the county proposes to terminate, reduce or suspend assistance, it shall mail notice of the pending action to the recipient at least fifteen days prior to the time of the anticipated action. The notice must give full details of the reason for the pending action, the right to a fair hearing, the right of the individual to have a conference with agency staff on the issue, and the circumstances under which he may have his assistance continued pending the fair hearing decision.

Advance notice is not required when the recipient of a one-person case has died. When a child receiving aid to dependent children has died, notice of any change in the assistance grant shall go to the payee.

During the advance notice period, the recipient may have a conference to discuss his situation and the agency shall provide him with a full explanation of the reasons for the pending action and give the recipient an opportunity to offer facts to support his contention that the pending action is not warranted. The recipient may be accompanied by a representative, legal counsel, friend, law student, or other spokesman and such individuals may represent the individual if he is not able to be present.

The advance notice is paramount in all instances of proposed discontinuance, reduction or suspension of assistance and payments must continue during the fifteen-day advance notice period.

**53.6 (217) Request for fair hearing and continuation of assistance.** Whether or not there is a conference, when the recipient files an appeal during the advance notice period, assistance must be continued until the hearing decision is reached, unless the county determines that the issue is not one of fact or judgment. When the issue is one of fact or judgment, rather than a general state policy,

and the recipient files an appeal for a fair hearing during this advance notice period, assistance must be continued at the same level until the hearing decision has been reached.

**53.7 (217) Information and referral for legal services.** The county shall advise persons appealing any agency decision of legal services in the community that are willing to assist them.

**53.8 (217) Convenience of the claimant considered.** Notice must be given in writing with adequate preliminary information about the hearing procedure. If the claimant is incapacitated due to illness or other disability and is housebound, hospitalized or in a nursing home, or lives a great distance from the place hearings are usually held, the place of the hearing shall be at the convenience of the claimant even to the extent of holding the hearing in the claimant's home. Nothing in this rule shall preclude a physically able claimant from attending a hearing agreed upon by both parties, unless he elects to send his designee or representative in his place.

**53.9 (217) Impartiality of the hearing official.** The hearing officer shall not be connected in any way with previous actions or decisions on which the appeal is made.

**53.10 (217) Claimant's right to a medical examination of his own choice.** When the hearing involves medical issues, a medical assessment or examination by a person or physician other than the one involved in the decision under question shall be obtained and the report made a part of the hearing record if the hearing officer or claimant considers it necessary. Any medical examination required shall be performed by a physician satisfactory to the claimant at agency expense.

**53.11 (217) Limitations of persons attending.** The hearing shall be limited in attendance to the following persons other than the claimant, his representative, and such witnesses as he may wish to present:

**53.11 (1)** The county welfare worker responsible for the case.

**53.11 (2)** The supervisor of such worker.

**53.11 (3)** The county director.

**53.11 (4)** Members of the county board of social welfare.

**53.11 (5) The county attorney.**

**53.11 (6)** Such other persons as may be specifically authorized to attend for the purpose of offering testimony pertinent to the issues in controversy.

Nothing in this rule shall be construed to allow members of the press, news media, or any other citizens group to attend the hearing without the consent of the claimant and then, only on the approval of the hearing officer.

**53.12 (217) Rights of claimants during hearings.** The county shall provide the claimant, or his representative, opportunity prior to as well as during the hearing, to examine all materials to be offered as evidence. Off-the-record, or confidential information which the claimant or his representative does not have the opportunity to examine shall not be included in the record of the proceeding or considered in reaching a decision.

The hearing officer shall enable the claimant and his witness to give all evidence on issues in dispute and the claimant and his representative shall have opportunity, without undue influence, to advance arguments. The claimant shall have the opportunity to confront and cross-examine witnesses at the hearing and to present evidence in rebuttal. The claimant must be allowed to present his case in the way he desires, including relating his cause in his own style, by relative or friend, or legal counsel. In hearings involving non-English speaking claimants provisions shall be made for securing an interpreter for the claimant at agency expense.

**53.13 (217) Prompt, definitive and final action.** Withdrawal or abandonment by the claimant shall constitute the only grounds for dismissal before a final agency decision is reached as a result of the hearing. A maximum of sixty days shall be adhered to in all cases as the time for final administrative action unless the agency grants a delay at the claimant's request.

**53.14 (217) Basis for decision.** The decision shall be based only on the evidence and testimony introduced at the hearing. The record of the proceeding which constitutes the official record shall be available to the claimant or his representative at a convenient time and place accessible to him or his representative, to examine upon request. If any additional material is made part of the hearing record, it too shall be made available.

**53.15 (217) Hearing decision and notification to claimant.** When the transcript of proceedings of the hearing has been received in the department, it shall be reviewed, together with any material or documents introduced and made a part of the hearing record. The decision may affirm, modify or reverse the action of the county board of social welfare, however, the hearing officer retains jurisdiction over the pending case until the commissioner of the department of social services reaches a decision based on the evidence and the recommendations of the hearing officer. The case may be referred back to the hearing officer for a resumption of the hearing if the materials submitted are insufficient or do not substantiate the recommendation. Remanding the case to the hearing officer for further consideration shall not in any way be construed as a substitute for definitive and final administrative action.

The final decision shall indicate the specific reasons for the decision and identify the supporting data. A notice of the decision, including a brief summary statement of the basis of such decision and corrective action to be taken shall be mailed to the claimant with a copy to the county by the appeals and hearing officer. The decision rendered by the hearing authority shall be binding upon the department and the county.

**53.16 (217) Time limit on implementation.** Prompt, definitive and final administrative action to carry out the decision rendered shall be taken within sixty days from the date of the appeal. Should the claimant request a delay in the hearing in order to prepare his case or for other essential reasons, reasonable time, not to exceed thirty days except with the approval of the hearing officer, will be granted and such extra time may be added to the sixty days. Immediately upon receipt of the copy of the decision, the county shall take the action required by the decision and shall submit a report of that action to the appeals and hearing officer in the department.

When the hearing decision is favorable to the claimant, or when the agency decides in favor of the claimant prior to the hearing, corrective payments, retroactive to the date of the incorrect action, shall be made.

**53.17 (217) Accessibility of hearing decisions to local agencies and the public.** Summary reports of all hearing decisions shall be made available to counties and the public.

Such information shall be presented in a manner consistent with requirements for safeguarding personal information concerning applicants and recipients.

53.18 (217) **Right of judicial review.** The hearing decision shall advise the claimant of his right to a judicial review by the district court. When a claimant is dissatisfied with the hearing decision, and appeals such decision to the district court, the department shall furnish

copies of such documents or supporting papers as the appellant and his legal representative may need in order to perfect his appeal to district court.

[Effective December 27, 1971]

These rules having remained with the Attorney General for more than the statutory thirty days (17A.8) are being filed without his approval.

## WATER POLLUTION CONTROL COMMISSION

Pursuant to the authority of section 135.11, subsections 7 and 17, section 455B.9 and section 455B.26 of the Code, the rules appearing in 1971 I.D.R. page 956, Chapter 2, relating to records of operation of waste disposal systems, are hereby amended by adding thereto the following rule:

[Filed November 8, 1971]

### 2.6 (455B) Report of bypass.

2.6 (1) Owners of waste disposal systems shall obtain written permission from the Iowa state department of health prior to any bypassing of any sewage or wastes from the waste disposal system.

2.6 (2) In the event that bypassing of sewage or waste occurs as a result of mechani-

cal failure or acts beyond the control of the owner, said owner shall notify the Iowa state department of health by telephone of the bypassing within twelve hours of the time of discovery of the bypassing. Notification shall include the reasons for the bypass and expected duration. Telephonic notification shall be confirmed by letter posted the same day. The owner shall comply with the instructions of the Iowa state department of health calculated to minimize the effect of the bypassing on the receiving water of the state.

This rule is intended to implement sections 455B.9 and 455B.26 of the Code.

[Effective November 8, 1971]