

Iowa Department of Transportation's Administrative Rules Affected by 2010 Legislation

(Please note that other administrative rules may need to be updated. This list does not include all the rule changes that may be needed.)

The following affect DOT administrative rules:

- HF 2466** Prohibits DOT from disqualifying a person from providing street or highway driving instruction and prohibits the Board of Educational Examiners from withholding or withdrawing authorization to provide street or highway driving instruction, solely because the person was involved in a motor vehicle accident unless the person contributed to the accident and either the accident caused a death or serious injury or it was the person's second or subsequent contributive motor vehicle accident in a two-year period. Requires DOT and Board of Educational Examiner's to amend its administrative rules. A person who provides street or highway driving instruction must hold a driver's license valid for the vehicle operated. Also requires the final field test administered prior to a student's completion of an approved course be administered by a person qualified as a classroom driver education instructor and certified to provide street or highway driving instruction. Allows a person qualified as a classroom driver education instructor but not certified to provide street or highway driving instruction to administer the final field test if accompanied by another person qualified to provide street or highway driving instruction. This bill takes effect upon enactment, March 19, 2010, and the provision concerning the driving record of a person certified to provide street or highway driving instruction, applies retroactively to July 1, 2008, and shall apply to any accident that occurred on or after that date.
- SF 2199** Section 13 adds a new Code section concerning an affidavit if there is no record that a certificate of title for a manufactured home or mobile home has been issued or surrendered. The DOT is required to adopt rules concerning this new Code section. The DOT must include a standardized form for an affidavit and also set the fee amount in its rules. This bill is effective upon enactment, April 7, 2010.
- SF 2310** This bill is known as the Natural Resources and Outdoor Recreation Act. Section 4 requires the heads of the Department of Land Stewardship (DALs), Department of Natural Resources (DNR) and DOT to meet regularly and whenever practicable to collaborate in decision-making by adopting rules, establishing funding priorities and determining when it is beneficial to provide joint funding of initiatives. Section 7 requires DALs, DNR and DOT to adopt rules separately or jointly as necessary. This Act shall be implemented on January 1, 2011, if the joint resolution proposing an amendment to the Constitution of the State of Iowa

to dedicate a portion of state revenue for the benefit of the state's natural resources is ratified.

SF 2389 Section 20 concerns regulations of an airport hazard area. Requires the regulations adopted under Code chapter 329 to consider the smart planning principles created in Section 17 of SF 2389.

Section 95 repeals Code section 313.68. This Code section created the Bridge Safety Fund under the authority of the Transportation Commission and required DOT to adopt rules.

The following sections of SF 2088 affect the administrative rule process:

SF 2088 Section 34 adds new Code sections to Code chapter 2B concerning the Iowa Administrative Bulletin and Iowa Administrative Code. Much of this information is moved from Code chapter 17A.

Section 50 adds new sections to Code chapter 2B stating that the Iowa Code Editor is the custodian of the official legal publications known as the Iowa Acts, Iowa Code and Code Supplement and the Administrative Code Editor is the custodian of the official legal publications known as the Iowa Administrative Bulletin, Iowa Administrative Code and Iowa Court Rules.

Section 52 adds a new requirement that an agency must submit a copy of the Notice of Intended Action concerning proposed rule making to the chairpersons and ranking members of the appropriate standing committees of the General Assembly for additional study. Section 52 is applicable beginning January 11, 2011.

Section 53 changes the requirements when an agency adopts standards by reference to another publication. The agency must deliver an electronic copy of the publication or the relevant part of the publication containing the standards to the Administrative Code Editor. The Administrative Code Editor must publish it on the General Assembly's Web site. If an electronic copy of the publication is not available, the agency must deliver a printed copy of the publication to the Administrative Code Editor who shall deposit the copy in the State Law Library.