

Iowa DOT's Administrative Rules Affected by 2013 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.)

- [HF 215](#) Section 100 adds a new Code section allowing a teaching parent to instruct a student in a driver education course. This Code section requires the DOT to adopt rules.
- [HF 355](#) Section 1 allows the DOT to renew valid driver's licenses, other than commercial driver's licenses, electronically once the necessary administrative rules are adopted. Section 3 authorizes the DOT to adopt emergency rules to allow for electronic renewals. This bill is effective May 15, 2013.
- [SF 224](#) Relates to the fees charged for duplicates and the period of validity of driver's licenses and nonoperator's identification cards. *Note:* HF 355, section 2, amends SF 224 to allow the DOT to provide for a transition from five-year to eight-year renewal periods.
- [SF 340](#) Relates to the length of on-duty periods and rest periods and drivers of rail crew transport vehicles. Section 4 adds that a Code or rule violation concerning the rest periods of drivers of rail crew transport vehicles is punishable as a schedule "one" penalty.
- [SF 355](#) This bill relates to the regulation of vehicles of excessive size and weight.
- Section 6 concerns single-trip permits and states that the maximum height, width, length and weight of vehicles and loads operating under single-trip permits shall be limited to the maximum physical limitations and clearances of the roadway and infrastructure of the intended route of travel, provided that the gross weight of any axle does not exceed the maximum allowed by Code pursuant to adopted rules.
- Section 19 requires the DOT to adopt rules regarding oversize load signs, warning flags, warning lights and projecting-load lights.
- Section 25 requires the DOT to adopt rules for operator requirements; escort vehicle requirements; and length, height, width and weight requirements for the load or vehicle being moved under an annual or single-trip permit or in a special or emergency situation.
- [SF 396](#) Section 48 requires state departments and agencies to provide departmental or agency notices or information through the department's or agency's Internet site or through email to the fullest extent possible. However, this is not required when pursuing legal action or to comply with federal law. Gives departments and agencies rulemaking authority to implement section 48 and

to collect email addresses for the purpose of electronic communications.

The following bills affect the administrative rule process:

[HF 586](#)

Section 1 allows an agency to initiate a rulemaking without first publishing a notice of intended action only when the statute provides or when the Administrative Rules Review Committee (ARRC) approves. Also allows the committee to object to a portion of a rule, not just the entire rule. Expands the authority of the committee to file an objection of a rule or portion of a rule adopted without first publishing a notice of intended action; the committee by a two-thirds vote may suspend the applicability of the rule or portion of the rule until the rule ceases to be effective. If an objection is filed under these means, the agency must be given a copy.

Section 2 allows the ARRC to delay by 70 days the effective date of a portion of a rule, not just the entire rule, promulgated under Code section 17A.5, unless the rule became effective immediately upon filing with the administrative rules coordinator or on a requested date. For a rule that became effective upon filing with the administrative rules coordinator or on a requested date, the committee, within 35 days of the effective date, may suspend the applicability of the rule or portion of the rule for 70 days if two-thirds of the membership agrees. The committee may utilize the delay of 70 days for any reason.

Section 3 adds a new subsection to allow the ARRC after reviewing the notice of intended action and upon a two-thirds vote, to suspend further action of the rulemaking for 70 days.

Section 4 allows the ARRC to delay the effective date of a portion of a rule, not just the rule, until the adjournment of the next regular session of the General Assembly unless the rule was promulgated using emergency procedures and was effective upon filing with the administrative rules coordinator or on a requested date. For rules that were made effective upon filing with the administrative rules coordinator or on a requested date, within 35 days of the effective date, the committee may suspend the applicability of the rule or portion of the rule until the adjournment of the next regular session of the General Assembly if two-thirds of the committee approves.

Section 5 relates to construction and delegation of authority concerning rulemaking. "Name" and "named" are changed to "cited" or "citation" and the following sentence is added: "Unless otherwise specifically provided in statute, a grant of rulemaking authority shall be construed narrowly."

[SF 452](#)

Section 13 requires the ARRC to consider the scope, impact and long-term consequences of legislation requiring delegations of authority to state

agencies be construed narrowly. The committee must submit a report to the committee findings to the speaker of the house and the majority leader of the senate by January 12, 2015.